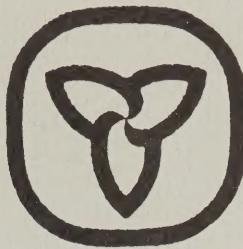


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**THE REPORT OF THE  
RACE RELATIONS AND  
POLICING TASK FORCE**

1992





Ontario

Task Force on  
Race Relations  
and Policing

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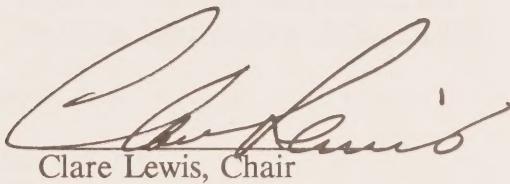
November, 1992

The Honourable A.C. Pilkey  
Solicitor General  
Office of the Solicitor General  
11th Floor  
25 Grosvenor Street  
Toronto, Ontario  
M7A 1Y6

Dear Mr. Pilkey:

Pursuant to our appointment by you, and in response to our Terms of Reference, we are pleased to enclose herein the Report of the Task Force on Race Relations and Policing, 1992.

Yours sincerely,



Clare Lewis, Chair



Dr. Ralph Agard



W. James Harding  
Chief of Police  
James Harding

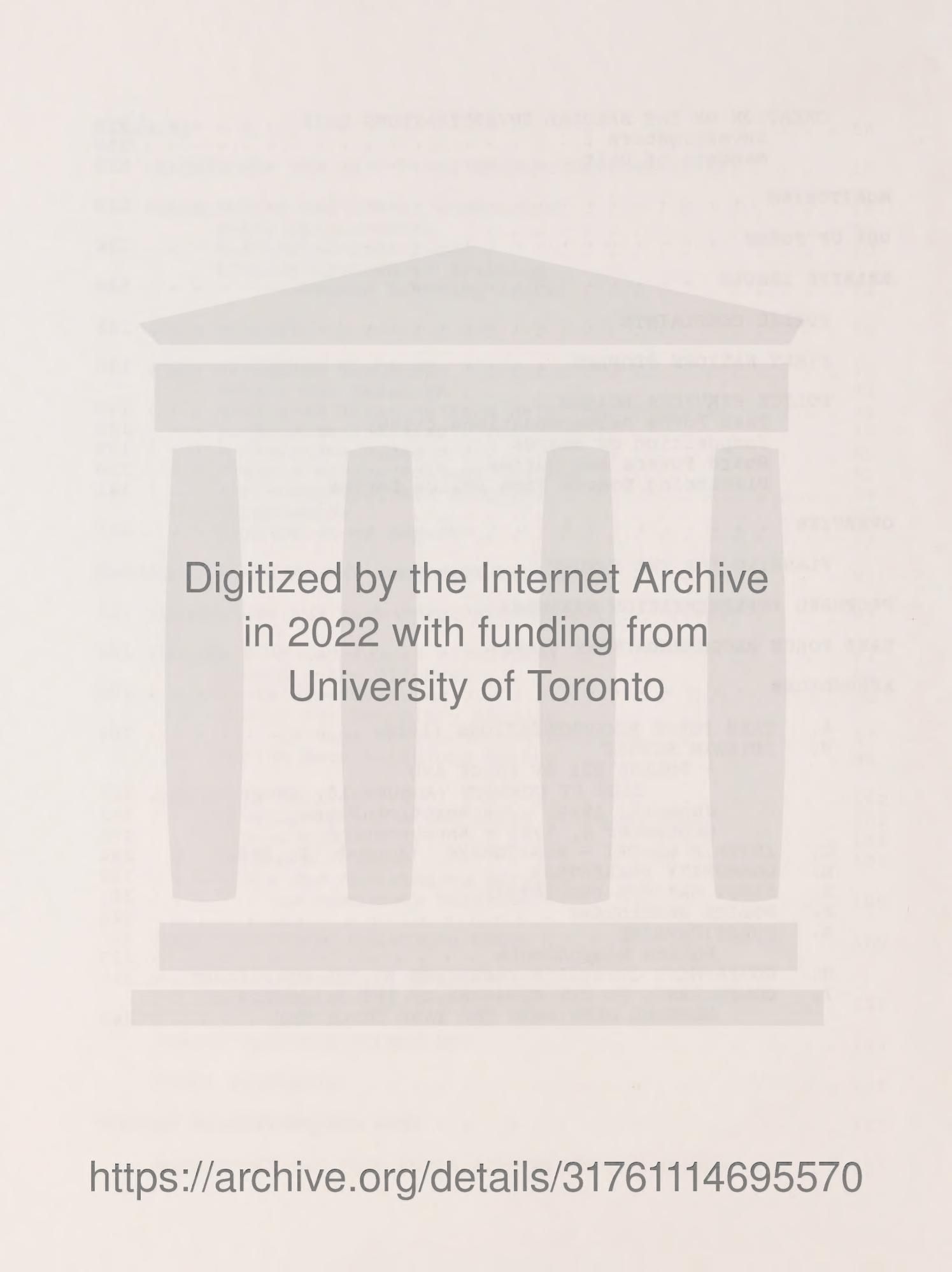


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PREFACE

In April of 1989 the Task Force on Race Relations and Policing presented a report containing 57 recommendations to the Solicitor General of Ontario. The original Terms of Reference of the Task Force were to inquire into and report on:

1. The training members of police forces currently receive as it relates to visible minorities.
2. Ways to improve this training and education, both for recruits and serving officers.
3. Police hiring practices and promotional processes, including the establishment of employment equity programs.
4. Ways to improve the interaction of the police with the visible minority communities through the establishment of liaison officers, committees, community education programs and race relations training.
5. Ways in which a monitoring system may be established to provide for a regular review of the interaction between visible minorities and the police.
6. The policies and practices of the police relating to the use of force.

Approximately three and one-half years have passed since the Task Force reported. In June of 1992 Stephen Lewis, former Canadian Ambassador to the United Nations, in his report as Special Advisor on race relations to the Premier, recommended that the Task Force be reconstituted by July 15, 1992. Stephen Lewis was of the view that while work had progressed on the implementation of the original recommendations of the Task Force, there existed a "strong perception" that the implementation of the Task Force recommendations had slowed. He urged renewed commitment to the

thrust of the Task Force Report and stated that "it must be given new life".

At the request of the Premier and Solicitor General, the Task Force reconvened in the persons of its Chair, Clare Lewis, Police Complaints Commissioner, and two Task Force members, Dr. Ralph Agard, Executive Director of Harambee Centres Canada, Child and Family Services, and James Harding, Chief of Police of the Halton Regional Police Service. The Terms of Reference of the reconstituted Task Force require the Task Force to:

1. Assess the current status of implementation of the Race Relations and Policing Task Force (1989) recommendations.
2. Identify and comment on recommendations which have not been implemented.
3. Suggest precisely how government should proceed.
4. Make further recommendations as appropriate.

The Task Force was asked to report by October 15, 1992.

In July of 1992, Task Force members met, appointed staff, and developed a work plan. It soon became apparent that we would have to report before our October deadline on some aspects of our Terms of Reference. In his report to the Premier, Stephen Lewis made a number of recommendations which proposed time limits for the government in two key areas.

Firstly, Stephen Lewis recommended that by September 1, 1992 a community-based Monitoring and Audit Board be established.

Secondly, he recommended that by September 1, 1992 the government complete its public consultation process and have in place its amendment to the Regulation under the Police Services Act, 1990 relating to police use of force.

Both monitoring and use of force formed critical portions of our original report. To ensure that our views could be considered by government in its efforts to meet the deadlines proposed by Stephen Lewis, we issued two interim reports.

In our first interim report, dated August 10, 1992, we responded to the position paper of the Ministry of the Solicitor General for proposed Regulations on police use of force and Code of Conduct. In the case of the second interim report, dated August 17, 1992, we presented our views with respect to monitoring after engaging in limited community consultation.

Both interim reports, the government's consultation paper and announcement on police use of force and Code of Conduct Regulations are included in the Appendices. We will comment further on the government's actions in relation to monitoring and use of force.

Throughout the process, we met with government officials and race relations consultants. Our current Terms of Reference demanded that we devote much of our consultation effort to meeting with government representatives. To the degree that we were able, given clear time constraints we engaged in the following limited consultations. We wrote to all members of the public who made

submissions to the Task Force in 1989, and to other interested organizations and individuals, to invite their submissions. We met with those community members listed in the Appendices in the Toronto, Hamilton, Windsor, Thunder Bay and Ottawa areas and, with First Nations members in Thunder Bay. In addition, we gathered information from the policing community. We prepared and sent a questionnaire, which is included in the Appendices, to all police forces in the province. We sought the assistance of selected chiefs of police and police services boards in the five mentioned areas, as well as the assistance of the President of the Ontario Association of Chiefs of Police. A Task Force member and staff counsel met with the Executive Director of the Police Association of Ontario and with representatives of the Ontario Association of Police Services Boards.

Listed in the Appendices are government officials, race relations consultants, community organizations and members, First Nations members, police and police services boards we met with, or who responded to the Task Force through written briefs and questionnaires. We are grateful to them.

We also acknowledge the efforts and assistance of our staff. We wish to thank Sameena Cyriac, administrative assistant; Donna Joyette, outreach manager; Jay Hope, Inspector, Ontario Provincial Police and police liaison officer; Christina Donszelmann, counsel; Arvinder Singh Bindra, policy analyst; Rick Funston, consultant; Angela Daley, researcher; and John Yoannou, communications coordinator. In addition, we thank our support staff,

Carolyn Argall-Harrison and Vivian Tsicolas, and those who helped with typing the report, Rozmin Dossa, Donna Doyle, Lori Hishon, Sheldon Prior, Susan Waite and Reimunda Stirbys. We also thank the staff of the Office of the Police Complaints Commissioner who went out of their way to accommodate us.



# Introduction



## INTRODUCTION

Our approach in preparing this report has been, in many respects, significantly different from that in 1989. The process in 1989 was very much one of public consultation. On this occasion, we have undertaken a detailed examination of the status of implementation, or otherwise, of previous Task Force recommendations. In 1989 it was our responsibility to make recommendations based on our original Terms of Reference. After the release of our 1989 report, it became the responsibility of those to whom the recommendations were addressed, in most instances the Ministry of the Solicitor General, to decide whether or not to adopt them. In 1992, our task is to determine which recommendations were adopted and the degree to which those adopted were carried out.

In 1989 we committed ourselves to, and engaged in, extensive public hearings. The product of those public hearings was recorded, transcribed and published in thirteen volumes. In our report, we stated that the volumes of transcripts:

"preserve an important and historic documentation of public anxiety about the current nature of policing in Ontario. That record furnishes both a qualified indictment of the present state of race relations and policing and a confident prescription for positive change."

We maintain that the prescription for change, and the framework of the resulting 57 recommendations outlined in our report, continue to represent a blueprint for setting goals and

implementing standards and processes critical for the improvement of race relations and policing.

We are of the view that the sense of crisis which was the catalyst for the creation of the Task Force in 1989 has not diminished. The events leading to the reconstitution of the Task Force and our work conducted over the past three months bear witness to a continued sense of urgency.

We have been asked to determine to what degree our original blueprint for positive change in race relations and policing has, or has not, been applied, and to suggest specific actions to be taken. To this end, we have engaged in narrowly focused Ministry, community and police consultations.

In the introduction to our 1989 report, it was stated, "The government must provide the statutory framework for change." We begin our task in 1992 by acknowledging that the statutory framework has, indeed, been provided by the provisions of the Police Services Act, 1990. The Act reflects the spirit of the 1989 Task Force Report, and is an excellent basis for development and implementation of necessary programs to address and resolve race relations and policing issues. At the time of enactment, the then Solicitor General stated: "The government accepted the thrust of the recommendations made by the Task Force and acted upon them through the Police Services Act."

However, the implementation of Task Force recommendations

cannot, and will not, take place without a thorough understanding of, and demonstrable commitment to those fundamental principles set out in the Police Services Act, 1990 by all key participants in policing, including the Ministry of the Solicitor General.

The Police Services Act, 1990 came into force on December 31, 1990. To embody contemporary concepts of policing, the Act opens with a formal declaration of policing principles which is critical and marks a significant departure from the tone and philosophy of the former Police Act. It presents a policy framework for the provision of police services throughout the province. Police services in Ontario must now be provided in accordance with the following principles:

1. The need to ensure the safety and security of all persons and property in Ontario.
2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code, 1981.
3. The need for cooperation between the providers of police services and the communities they serve.
4. The importance of respect for victims of crime and understanding of their needs.
5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario.
6. The need to ensure police forces are representative of the communities they serve.

The emphasis on the need for enhancing cooperation between the providers of police services and the communities they serve focuses the need for community policing, as stated in our 1989 report. The importance of safeguarding Charter and human rights, and of

ensuring officer sensitivity to the pluralistic, multiracial and multicultural character of Ontario society is a significant thrust of the Act, and clearly was the theme of the 1989 Task Force report. The need to provide police services which are representative of the communities they serve is also a significant dictate of the legislation, and was a principal position of our 1989 report. The Act further recognizes the importance of officer sensitivity in dealing with all victims.

It is axiomatic that if police services are provided in accordance with the fundamental principles outlined in Section 1 of the Act, all persons, including racial minorities and aboriginal peoples, will be treated in a fair and non-discriminatory manner. The full realization of those principles will require attitudinal and structural changes on both the part of the Ministry of the Solicitor General and police forces. We consider those principles as basic to our task. Our review of degree of implementation of our 1989 recommendations and our current proposals as to how government should proceed, are rooted in our commitment to the fundamental principles of the Police Services Act, 1990.

The recently released report of Allan Andrews, Metropolitan Toronto Auditor, on his audit of the policies, procedures, programs, and practices of the Metropolitan Toronto Police Force that impact on racial minorities and the police race relations climate, confirms the view of the Task Force as stated in 1989.

That report is a far reaching study of general application.

It ought to be considered carefully by the Ministry of the Solicitor General, and by police services boards and police forces throughout the province. It provides an excellent overview of the issues faced by police in their dealings with racial minorities, and has many thoughtful and constructive recommendations.

Policing environments must change in order for the benefits of race relations training to be realized. A structure and culture which is unable to accept and deal with diversity will not be altered, in and of itself, by implementation of employment equity plans and policies. New police structures must be put into place to support community policing so that police forces can form those community partnerships necessary for effective policing. Community policing cannot occur without enlightened race relations policies and procedures. Community policing requires a diverse police workforce.

The Ministry of the Solicitor General has responsibility for leadership and guidance in the implementation of many Task Force recommendations which are directly, and indirectly, responded to in the Police Services Act, 1990. The Ministry must provide clearly stated objectives and directives to police services boards to ensure that those responsible for civilian governance of police forces properly understand the principles under the Act and, understand what objectives and priorities must be in place for police services to be provided in accordance with those principles. The Ministry must provide support for police forces in the implementation of community policing and in the implementation of

employment equity plans and policies. The Ministry has responsibility for ensuring that integrated race relations training for and by police becomes a reality.

Our review of Ministry and police force initiatives taken to implement Task Force recommendations leads us to conclude that a great number of barriers to implementation existed or developed. One reason these barriers exist is that the Ministry and police forces have been in the midst of a transition from carrying out roles under the former Police Act to providing the necessary leadership and management required by the fundamentally different goals articulated under the Police Services Act, 1990.

The obligations of the Police Services Act, 1990 have presented the Ministry and police forces with a formidable challenge to transform themselves. It is unrealistic to expect instant response to such radical change from any institution. Long standing policies, procedures, priorities, attitudes and behaviours must be re-examined. However, there has now been sufficient time for that process to be well under way.

We suspect that race relations and policing matters may still not be seen by some senior civil servants, some police services board members, and some senior police officers as real, significant, or worth the commitment of long-term planning and resources. While we regard this view as myopic and contributing to dissonance in the increasingly pluralistic, multicultural, and multiracial reality of Ontario today, we believe that government

must recognize its existence and act to counter its effects.

Repeated crises between police and racial minority communities have been terribly debilitating to all. They severely undermine the capacity of police to perform their essential public duty while causing pain and frustration to that great majority of officers who are devoted to performing a difficult task equitably and well. Those crises set community against community, and bear within them the risk of irreversible alienation of some groups, with others entrenched in indifference. They divert government, police, and community from other pressing needs.

There cannot be significant change by police in these matters until there has been a transformation within the institutions of government which have impact on police. In particular, the government must ensure that the Ministry of the Solicitor General is itself reflective of, and committed to, government race relations and policing objectives, and to the implementation of initiatives of lasting effect. We recognize that members of the Ministry, with quite limited resources have worked very hard and have achieved important successes.

Nevertheless, it is our respectful view that the Ministry of the Solicitor General did not, and still does not have a coherent and coordinated implementation strategy and the necessary infrastructures, to meet its leadership responsibilities under the Police Services Act, 1990. The absence of a coordinated and articulated strategy has impeded comprehensive Ministry efforts to

implement successfully many recommendations of the Task Force.

We believe there exists a lack of coordination and effective communication among various branches in the Ministry, in particular among the Policing Services Division, the Race Relations and Policing Unit, and the Ontario Police College, which is itself a branch of the Policing Services Division. Each area is struggling to identify and come to terms with its own mandate. The Ministry remains in transition.

The time for the making of recommendations to ensure equitable police race relations has passed. The scope of the many previous studies, task forces, public consultations and recommendations, including those of the Task Force in 1989, leave little capacity for further novelty or inspiration on these matters.

The present challenge and task for government is to use the information it now possesses to develop a comprehensive race relations and policing strategy as part of its larger anti-racism commitment, and to insist on its implementation by its bureaucracy. What is required in 1992 is political will and bureaucratic accountability.

It must be said that the report by Stephen Lewis to the Premier on June 9, 1992 has galvanized the Ministry of the Solicitor General, among others, with dramatic and positive effect. There is a sense of urgency and, at senior levels, pursuit of means by which the Ministry can effectively fulfil its mandate in

providing unequivocal leadership to Ontario police forces in the vexing area of race relations. We are encouraged by current government and Ministry commitment. The challenge is to ensure that attitudinal, personnel and organizational changes of permanence take place within the Ministry so that its leadership role in providing effective policing for Ontario's pluralistic, multicultural and multiracial population becomes part of its normal operational dynamic and is not merely incident or crisis report and project driven.

Our Terms of Reference ask us to "suggest precisely how government should proceed". We have attempted to do this in our text and also offer a suggested strategic plan of action.



# **Ministry of the Solicitor General**



MINISTRY OF THE SOLICITOR GENERAL

BACKGROUND

Of the recommendations in the 1989 Task Force report, 43 could be considered to have been made directly to government, with the majority made specifically to the Ministry of the Solicitor General. We believed the Ministry would play a pivotal role in the implementation of the recommendations.

The Police Services Act, 1990 also makes clear that the Ministry must play a critical role in supporting, what we term, contemporary policing. We define contemporary policing as a philosophy and approach to policing which embodies the elements of community policing, and ensures accountability of the service providers to their governing authorities and service users. The service providers must be representative of, and responsive to, the needs of service users and must include service users as equal partners in the setting of priorities. Such priorities are to be founded in an understanding of, and fundamental commitment to, proactive, neighbourhood based policing services.

Contemporary policing is policing which respects the diversity of the peoples of Ontario. It recognizes, involves and values their racial and cultural differences.

The Solicitor General is required to take the lead in ensuring contemporary policing is provided in accordance with the principles of the Police Services Act, 1990. The Minister is charged with a

number of specific duties in support, ranging from the monitoring of police services to the development and promotion of programs to enhance policing services in Ontario.

**RESOURCING OF THE MINISTRY OF THE SOLICITOR GENERAL**

In our view, the Ministry has traditionally suffered from a low profile and limited resources with profoundly negative impact on its ability to carry out its responsibility effectively.

We recognize demands on government are enormous and complex. Justice issues generally, and those relating to the Ministry of the Solicitor General specifically, form only a small part of the larger government agenda and are granted only a corresponding portion of government attention and resources.

Nonetheless, race relations and policing issues have represented a major point of public discord, and had disproportionate impact on our social equanimity. As we stated in 1989, and repeated in our recent interim report on monitoring, there has been a long standing cycle of crises in relations between police and racial minority communities resulting in an erosion of public confidence in the ability of government to respond effectively to race relations and policing issues.

Given the many other significant obligations of government and police, it is necessary to address race relations and policing now,

in a manner which will remove it from its recurring and disturbing impact on both the governmental and police agenda. It is necessary to ensure that race relations and policing issues are attended to on an ongoing basis by institutional changes which are publicly seen and acknowledged to have meaningful and permanent impact.

The ranking in government of the Ministry of the Solicitor General is not commensurate with the importance of its obligation to the people of Ontario, or to the complexity of the sudden crises with which it must cope. Policing is a most important issue to the public, and it is a profession which, by its nature, attracts conflict and controversy. The Ministry cannot avoid the impact of that reality, and is responsible for addressing and resolving many of its effects.

In the past several years, race relations and policing issues have come to the forefront of the Ministry's responsibilities. The Ministry had not previously perceived its role in this framework, and is undergoing severe transitional difficulties. Its staff are taxed at present as they attempt to cope with their traditional functions in a new and heated context. To a large extent, the Ministry has had to shuffle limited resources in an effort to address new and old issues together. It is difficult, at the best of times, to inculcate new and challenging concepts and approaches into an institution.

For the Ministry to lead the transformation of police, it must be itself transformed. To do that within a reasonable time

requires positive government re-assessment of the importance of the Ministry in sharing admittedly limited government attention and resources.

1. The Task Force recommends that the Government of Ontario recognize and respond to the need for the Ministry of the Solicitor General to be more adequately positioned, profiled in government priority and, resourced in a manner which will allow the Ministry to provide the leadership, guidance, and support necessary for the development and maintenance of contemporary policing throughout Ontario as required by the Police Services Act, 1990.

#### MINISTRY LEADERSHIP

#### Ministry Policing Priorities

The realization of contemporary policing in Ontario must begin with a shift of the Ministry of the Solicitor General to a corporate orientation which is itself visionary and allows for strategic planning and goal setting. Any strategic plan for the Ministry as it relates to policing should establish priorities which are supportive of contemporary policing in a pluralistic, multiracial, multicultural Ontario. To achieve this end, it will be necessary to ensure that focused leadership is taken at the highest levels of the Ministry.

Basic to achieving the required corporate orientation for success in issues of race relations is the immediate establishment of accountability mechanisms which will ensure that objectives set

in support of Ministry goals are met. We believe that, throughout the Ministry, there has been insufficient attention to an accounting for fulfilment of assigned responsibility and evaluation of progress toward intended goals. There is a need for an unequivocal statement of expectation for each person with managerial responsibility and for an equally clear commitment to achievement of those expectations. To support the concept of shared accountability, performance contracts, inclusive of race relations goals, may be appropriate. The demand for formalized accountability in meeting Ministry race relations and policing goals should begin with the Deputy Minister and cascade down through the responsible Assistant Deputy Ministers, directors and managers. Each should be subject to regular performance review. Each should be required to establish and report ongoing evaluation of programs in support of established goals.

2. The Task Force recommends that accountability processes and mechanisms be established in support of achievement of race relations and policing goals of the Ministry for the Deputy Minister, responsible Assistant Deputy Ministers and directors and managers and, that such mechanisms include establishment and reporting of evaluation of related programs.

#### **Anti-Racism and Diversity Executive Committee**

The Task Force believes it may be appropriate to create a committee chaired by the Deputy Minister, dedicated to the establishment and achievement of race relations goals of the Ministry. Such a committee requires membership by the most senior

responsible and accountable members of the Ministry charged with that obligation. The establishment and effective operation of this committee would be useful in achieving the objective of shared accountability of responsible officials. This committee should replace the former Executive Steering Committee which had responsibility for making decisions of significance with respect to the adoption and implementation of our 1989 recommendations. That Committee was not chaired by the Deputy, in whom ultimate accountability for the achievement of the Ministry's race relations goals must lie.

3. The Task Force recommends the establishment of an Anti-Racism and Diversity Executive Committee chaired by the Deputy Minister and including those Assistant Deputy Ministers with responsibility for policing and corporate policy, the Commissioner of the Ontario Provincial Police, as well as the Director of the Race Relations and Policing Unit.

- a) Further, the Task Force recommends that the Anti-Racism and Diversity Executive Committee be responsible for the development, coordination and implementation of an overall strategic plan for the Ministry's policing Divisions in so far as it relates to race relations and policing issues, inclusive of an anti-racism component.
- b) Further, the Task Force recommends that the following be established as Ministry policing priorities and that these be included in the Ministry's strategic plan for its policing Divisions:
  - i) Community policing with a defined anti-racism component.
  - ii) The development of an anti-racism strategy which will work toward the elimination of systemic barriers or biases in policies, practices and procedures both within the Ministry and within Ontario police forces.

iii) The development, implementation and support of employment equity plans and initiatives within the Ministry itself and the support of such plans within police forces and police services boards.

4. The Task Force recommends the development and implementation of a comprehensive communication strategy directed both within the Ministry and to police forces outlining the ingredients of the Ministry's anti-racism strategy.

#### MINISTRY WIDE CORPORATE PROGRAM

The Ministry of the Solicitor General is responsible for guiding police forces in employment equity and race relations training. However, we are not at all certain that Ministry personnel have believed themselves to be in need of these programs. The Ministry, across all Divisions, requires aggressive internal initiatives, including both employment equity and race relations training. If the Ministry is to lead police forces in transition to contemporary policing in a diverse society then it must have the diversity of personnel, racial awareness and sensitivity necessary to comprehend its role fully, and be prepared to lead by example.

We are conscious that pending provincial employment equity legislation will require the Ministry of the Solicitor General to develop and implement employment equity plans. However, we believe that the representation of Ontario's diversity within the Ministry of the Solicitor General should take place in a fairly rapid manner to ensure that it can maintain a leadership role for police in this critical area.

5. The Task Force recommends that an employment equity plan, inclusive of goals and timetables, be established specifically for the Ministry of the Solicitor General and, that this plan become a part of the Ministry's overall strategic plan. Goals should be set beyond the minimum requirements which may be established by legislation in order that the diversity of the Ministry is accelerated and quickly achieves representative numbers.

- a) The Task Force further recommends that employment equity plans include measures for aggressive systemic barrier removal and the creation of environments which value, and are respectful of diversity.
- b) The Task Force further recommends that orientation and training related to employment equity and race relations be quickly provided to all Ministry personnel and, that management and senior management receive enhanced training to include anti-racism and management of diversity. Training should be first developed and implemented for senior and mid-level managers and then for all other Ministry staff.

#### RACE RELATIONS AND POLICING UNIT

In the first five recommendations of our 1989 report, the Task Force proposed the establishment of a monitoring body to have facilitative, objective decision-making, and evaluative functions to monitor the interaction between racial minorities and the police, and to provide an on-going review of change processes in police forces in Ontario.

No monitoring agency was established. The Ministry did create within itself the Race Relations and Policing Unit (RRPU) reporting directly to the Deputy Solicitor General. It was clear the RRPU

was not tasked with the responsibility of monitoring, however, it was created to perform certain research, program development and advisory roles which we recommended in 1989 be undertaken by the proposed monitoring agency. The role of the RRPUs included coordination of the Ministry's race relations issues. Accordingly, we feel it is important to comment on the work of the RRPUs and what general obstacles it has encountered.

#### **Structure and Mandate**

In January of 1990, the Unit was created with a two year mandate to perform developmental functions in the areas of race relations training, employment equity, and police and community relations. The Unit's functions were intended to be absorbed within the Ministry within the two year time period. We were advised the Unit also was considered to have responsibility for the coordination of integration of race relations issues into the Ministry itself.

In early 1992, the mandate of the RRPUs was extended for an additional three years.

We have grappled with whether the decision to leave the Unit as a separate Unit for an additional three years was a sound one. We believe the entire Ministry, not a separate Unit, must have

responsibility for race relations. Every Division within the Ministry must take ownership of race relations issues. It is difficult for this development to occur when a separate Unit is responsible for race relations and policing matters. On the other hand, we are not convinced that at this time other branches or Divisions within the Ministry have the expertise to deal with and, take leadership roles in, race relations issues.

The Ministry, as a whole, is not, in our opinion, ready to assume the responsibilities of the RRPUs. Race relations has not yet become a central mission of the Ministry. In order for such a transition to take place, major restructuring must occur within the Ministry, in particular within Policing Services Division. The series of events leading up to the Stephen Lewis report emphasized the need for government to send a clear message that race relations be given a high profile within the Ministry of the Solicitor General. At present, the Ministry requires centralized coordination of race relations issues, both for the Ministry itself and, for its services to police. The social costs of inability to manage these issues, internally and externally, are becoming increasingly evident.

Accordingly, we are of the view that it is appropriate that the RRPUs remain a separate entity at present and, we are supportive of the renewal of its mandate for a further three years. We also support maintaining a high profile for the Unit.

To be fully effective, the RRPUs influence must be felt

throughout the Ministry. It should be granted clear authority to facilitate integration of race relations and anti-racism strategies in all Ministry programs. To date, the Unit has not undertaken such a role. The Deputy Minister, to whom the Director of the RRPUs reports, must ensure the RRPUs is used to provide that capacity. Within the next three years, race relations must permeate throughout the Ministry. To that end, the Director of the RRPUs should become a regular member of the Ministry's Senior Management Committee and, in that manner, participate directly in all significant Ministry decision making.

6. The Task Force recommends that the Director of the RRPUs be a regular member of the Ministry's Senior Management Committee.
7. The Task Force recommends that an evaluation process be designed and commenced in time to inform properly the decision whether and in what manner the RRPUs is to be integrated into other Ministry Divisions. This evaluation process should investigate the possibility and value of the RRPUs becoming the Anti-Racism Division of the Ministry, rather than being integrated. The Director of the RRPUs should be a senior participant in the evaluation process.

#### **Staffing and Resources**

The RRPUs staff has been cut from 23 to 14 persons. Perhaps as a result of the expectation that the RRPUs was to come to the end of its mandate after two years and be integrated into other Ministry Divisions, it has suffered significant budgetary cuts. However, its mandate has been extended for three years with accompanying expectation of performance for that period. With

limited staff and resources, the Unit cannot perform its functions. Much of its work in each of its three key areas remains unrealized. In particular, new race relations training for police officers has yet to be delivered. Its original two year mandate was, and its present resources are, simply inadequate for the size and complexity of the tasks assigned to it.

8. The Task Force recommends that the Race Relations and Policing Unit be returned to earlier resource and staff levels.

**Linkages between the RRPUs and Other Divisions of the Ministry**

We believe there is clear evidence that mechanisms did not exist to put in place appropriate linkages between the RRPUs and other parts of the Ministry.

By way of example, we note that an emphasis on race relations was not well articulated in the Ministry's manual on community policing, or as part of the strategic planning process for revised police officer education. The development of a community policing model appears to have occurred in isolation from the RRPUs. Community policing initiatives taken by the Ministry must be informed by the RRPUs, and the RRPUs must be empowered to provide input into such key initiatives and to ensure inclusion of race relations and anti-racism mechanisms. We note that the RRPUs is contributing to the development of police standards and we encourage similar contribution to other programs within the Ministry.

The difficulties between the RRPUs and the Ontario Police College are discussed in this report in the chapter on race relations training. In future, there must be a coordination of programs of the new Race Relations and Adult Education Unit of the Ontario Police College and the RRPUs and a cooperative working relationship. There is a stark need for senior and middle managerial accountability as a means of overcoming the failure to incorporate race relations training packages developed by the RRPUs into the Ontario Police College curriculum.

Disparate reporting requirements and the lack of protocols have resulted in important policing initiatives taken on the part of the Ministry without proper race relations content. In addition, managers and directors outside the RRPUs have not been held directly accountable for the integration of race relations into the work of their particular Branches or Divisions. Reorganization, including development of protocols, is required to ensure that linkages between the RRPUs and other portions of the Ministry exist, and to ensure that every manager throughout the Ministry, including the Director of the RRPUs, is held accountable for meshing race relations programs with other Ministry initiatives.

We believe that some organizational changes have been made in this regard. We have been advised that all major Ministry initiatives must now be given to the Director of the RRPUs for comment. The Director of the RRPUs reviews the Senior Management Committee agenda and is permitted to attend meetings which involve

race relations issues. As mentioned, we believe this response is insufficient to ensure that race relations is perceived as central to the Ministry mission. The Director of the RRPUs has an important role to play as a member of the Senior Management Committee.

9. The Task Force recommends, on the direction of the Deputy Solicitor General, that the Assistant Deputy Minister of Policing Services Division, the Assistant Deputy Minister of Corporate Policy and Issues Management Division, the Assistant Deputy Minister of the proposed Police Education and Training Division, and the Director of RRPUs be requested to develop written protocols to ensure proper linkages exist between the Unit and other affected Divisions in the Ministry.

#### POLICING SERVICES DIVISION

The need for recognition of diversity is required throughout all areas of the Ministry dealing with policing. We recognize that the proposed Race Relations and Policing Monitoring and Audit Board will be required to establish standards for conducting race relations audits of police forces, with the Policing Services Division conducting the actual audits. The Policing Services Division must, therefore, have the capacity to assist police forces in complying with these standards.

10. The Task Force recommends that the Policing Services Division conduct an examination of its functions and procedures to ensure the existence of an infrastructure which will be supportive of, and consistent with the principles of the Police Services Act, 1990, and the obligations of the Division under Section 3(2) of the Act.

- a) The Task Force further recommends that

Policing Services Division, in conducting such an examination, consider the Task Force definition of "Contemporary Policing", set out on p.15 of this report, as the bench mark for re-evaluation of functions and procedures in all of the following areas:

- i) Standards
- ii) Employment Equity Outreach
- iii) Inspections
- iv) Monitoring
- v) Community Policing
- vi) Management Support to police forces



# Employment Equity



## EMPLOYMENT EQUITY

### BACKGROUND AND TASK FORCE RECOMMENDATIONS (1989)

Convinced in 1989 by submissions and research that systemic barriers existed within police recruitment, hiring and promotional practices, the Task Force made a series of seven recommendations relating to employment equity. Those recommendations are grouped in the following categories for reporting purposes: Employment Equity Regulation; Approval Process; Direct Entry, Lateral Entry, and Civilianization; Implementation of Employment Equity Plans; and Miscellaneous Recommendations 1989.

#### EMPLOYMENT EQUITY REGULATION

Recommendation 6 of our 1989 Report proposed the establishment of an employment equity Regulation whereby all police governing authorities and police forces would be required to establish a racial minority employment equity policy and a five-year program of hiring and promotional goals and timetables for all sworn peace officer and civilian positions.

Recommendation 6 urged the submission by December 1989 of employment equity policies and programs to an Employment Equity Inspector for approval. We recommended the approval process be completed by June 1990 and that forces whose plans had been approved be required, by Regulation, to submit annually thereafter



a report describing progress in achieving approved racial minority hiring and promotional goals for the previous year. That report was also to outline, for approval, police force racial minority hiring and promotional goals for the following five years.

Recommendation 6 proposed detailed sanctions for the failure on the part of a police force in meeting hiring and promotional goals and timetables. Perhaps most significantly, we recommended consideration of 1996 as the year for the achievement of the goal of all Ontario forces being representative of the racial diversity of the communities they serve.

We have attempted to assess the current status of implementation of our recommendations on employment equity, beginning with an assessment of the implementation of Recommendation 6. The work of the Ministry of the Solicitor General in this regard is our starting point.

**The Employment Equity Plans Regulation  
Under the Police Services Act, 1990**

The Employment Equity Branch of the Ministry's Race Relations and Policing Unit spent its first year in existence developing the Employment Equity Plans Regulation to the Police Services Act, 1990. The development of the Regulation took place in extensive consultation with both police and community. The Regulation, enacted in March of 1991, required the development and submission to the Ministry of an employment equity plan by each police force

in Ontario by May 1, 1992.

The Employment Equity Branch, in conjunction with the Employment Equity and Outreach Recruitment Section of the Policing Services Division, assisted police forces in their development of employment equity plans.

The ultimate objective of the Employment Equity Plans Regulation is that every police force have the same percentage of the prescribed groups in its workforce as exist in the community it serves. The prescribed groups are aboriginal persons, members of a racial minority, persons with a disability, and women. The Regulation does not prescribe, however, statutory timelines for police forces to reach this objective. The progress of every police force with respect to attaining its representation goal is measured under the Regulation in two year time-frames.

The Regulation, in effect, is formula driven. Police forces are asked to establish, as described below, composition goals, hiring goals, and, in the case of police forces with 50 or more employees, position goals.

Composition goals set out the number of women, aboriginal persons, members of a racial minority and persons with a disability to be employed by a police force within a plan period.

Under the Regulation, a force's hiring goal indicates how many members of prescribed groups will be hired by a police force by the

end of a plan period. In order to determine what its hiring goal will be, a force must take into account how many hiring opportunities it will have, and then ensure the appropriate proportion of those hiring opportunities are for prescribed group members.

Forces with over 50 employees are required to set composition goals for the position categories set out in the Regulation, following which position goals must be set to indicate how many members of prescribed groups would be hired or promoted into position categories within the plan period.

With the assistance of staff of the Ministry of the Solicitor General, the Task Force reviewed both the Regulation and the employment equity plans of a number of police forces. The results of our review make clear that 1996 will not, as recommended by us, be the year of achievement of the goal of all Ontario police forces being representative of the racial diversity of the communities they serve. The Employment Equity Plans Regulation was not in force until 1991. Economic constraints have severely curtailed hiring opportunities. Further, we believe that the Regulation itself is structured such that progress, while measured in two year time-frames, will be extremely slow.

Police forces are asked to establish hiring goals which, at a minimum, must be equal to the prescribed group's representation in the community. By virtue of its formula approach, it does not encourage forces to set hiring goals which go beyond community

representation to ensure that the composition of the police force reflects the community it serves in a much shorter period of time.

A police force has every right to follow the formula prescribed in the Regulation, although setting higher hiring goals for prescribed groups would mean the force would meet its ultimate objective in a shorter time frame.

We recognize that Ontario's employment equity Regulation for police forces is one of the first of its kind in North America. The actual approval of employment equity plans occurred two years later than we recommended. We acknowledge that the consultation process for the development of the Regulation, its complexity, and the development of the plans themselves were difficult and time-consuming. We commend the Ministry, and in particular, the Race Relations and Policing Unit, for its development into law. It is imperative that time and effort in producing the first legislation of its kind should be fruitful in its result.

We are concerned that the Regulation embodies a formula which will make painfully slow the process of ensuring police services have a racial minority representation which approximates the community. If employment equity is to have a meaningful effect on police and racial minority relations, it must occur quickly and to a degree that creates the critical mass necessary to have both an impact upon the culture of the institution and upon public perception of that institution.

Our examination of employment equity plans and statistics culled from employment equity questionnaires supports our finding in 1989 that racial minorities in policing have not been well represented throughout the ranks and that police need to continue aggressive initiatives to correct the situation.

Despite our reluctance at this time to propose the establishment of timelines, the formula-driven nature of the Regulation and the current absence of hiring opportunities result in a slowness in achieving diversity that must be overcome by special initiatives such as the creation of a Central Police Recruiting Unit, consideration of lateral entry, direct entry, early retirement, application of innovative career path plans and, when opportunities for hiring improve, aggressive racial minority recruitment.

We believe it is critical the Ministry of the Solicitor General take measures to ensure police forces are encouraged to make the decision to set goals beyond the minimum requirements, and are recognized for such a decision.

11. The Task Force recommends that prior to the 1995 employment equity plan period being developed, the Ministry of the Solicitor General, with the assistance of the proposed Race Relations and Policing Monitoring and Audit Board, evaluate the effects of the formula under the Employment Equity Plans Regulation. If it becomes apparent the formula will not achieve recruitment and promotion of a critical mass of racial minorities in police forces within necessarily brief time frames, the Ministry, in consultation with both police and community, ought to make such amendments to the formula as will be appropriate.

- a) The Task Force recommends that in instances in which a police force followed minimum standards in setting hiring goals, the force be required, as part of the process of reviewing implementation of employment equity plans, to set out in writing the results of setting minimum hiring goals, and by what year the force anticipates it will be representative of the community it serves.
- b) The Task Force recommends the Solicitor General, through a public process, command police forces which set and achieve goals exceeding minimum requirements under the Regulation.

#### THE APPROVAL PROCESS

The Employment Equity Plans Regulation required that all forces submit plans to the Solicitor General before the first day of May 1992.

The Solicitor General has responsibility for the initial evaluation and approval of employment equity plans, including evaluation of each force's goals and timelines for measures to remove systemic barriers for each year of its plan, and goals and timelines for implementing positive measures for each year of the plan.

Section 12 of the Regulation requires each force to submit a new plan to the Solicitor General for approval before October 15, 1993, and every two years thereafter.

To date, all forces have submitted employment equity plans. The Ministry has undertaken a process of reviewing plans based on the premise that the approval procedure ought to be a learning process for police services, as opposed to being solely an arbitration process. After completion of all necessary revisions, plans were presented to the Ministry's Review Committee which was composed of representatives from the Ministry's Policing Services Division, its Employee Services Branch, and its French Language Services, from Management Board Secretariat, and from the Ministry of Citizenship. The Review Committee is to make a decision as to whether or not it will recommend the Minister approve a particular plan. If it does so, the Minister may approve.

We understand that as of the middle of September, the Review Committee had recommended approval of the plans of all but eleven forces in the province.

Sanctions for the failure to meet the requirements of the Police Services Act, 1990 and the Employment Equity Plans Regulation are set out in section 23 of the Act. Under section 22 of the Act, the Solicitor General may advise the Ontario Civilian Commission on Police Services that a force is not complying with the requirements of the Act or Regulation respecting employment equity plans. The Commission may direct the force to comply, or under section 23(2), hold a hearing. If the Commission, after holding a hearing, is of the opinion the police services board or chief of police has failed to comply, the Commission may take any of the following measures or any combination of them: suspend the

chief of police, one or more board members or the whole board for a specified period of time; remove the chief of police or one or more board members or the whole board; appoint an administrator to perform specified functions with respect to employment equity, recruitment and promotion in the police force for a specified period.

While these sanctions differ from those recommended in 1989, they are substantial, and appropriate.

It is clear that the approval process for employment equity plans established within the Ministry of the Solicitor General is not that which we recommended in 1989 in Recommendation 6. A Race Relations and Policing Review Board with plan approval authority was not adopted, as recommended in the Monitoring chapter of our 1989 report. Thus, although the Review Committee established by the Ministry had sitting on it one representative from Management Board Secretariat and one from the Ministry of Citizenship, the approval process, in effect, is largely internal and to some degree involves a fairly mechanical analysis of whether or not plans meet minimum requirements set out in the Regulation.

We believe that the review process with respect to implementation of employment equity plans should differ in significant respects. In our interim report on Monitoring, we proposed the establishment of a Race Relations and Policing Monitoring and Audit Board reporting directly to the Solicitor General. On September 29, 1992 the Solicitor General announced

that this Board will be created. We recommended that one of the roles and responsibilities of the Board should be to evaluate, at intervals set by the Regulation, the implementation of police employment equity plans. We continue to believe there is value to a more external review of the approval and implementation of employment equity plans than now exists. It is not clear that this function is to be granted to the announced Race Relations and Policing Monitoring and Audit Board. The capacity of the Monitoring and Audit Board to comment critically and publicly on what results have or have not been achieved would be valuable to both government and community.

The approval process does not include the direct involvement of chiefs of police or police services board members. In our interim report on Monitoring, we recommended that the evaluation process include direct input from police services boards and chiefs of police, when deemed necessary. Police services boards and chiefs of police, who by law, are directly responsible for employment equity, are key to successful implementation of employment equity plans. Boards or chiefs of police should not be distanced from the employment equity process; they should be included and be directly accountable. An involvement with external evaluations would compel an increased participation and understanding by boards and chiefs of police.

12. The Task Force recommends that the Review Committee which evaluated initial employment equity plans be disbanded, and that the proposed Race Relations and

Policing Monitoring and Audit Board, with appropriate staff and resources, evaluate, at intervals established under the Employment Equity Plans Regulation the development of employment equity plans and implementation of them. The evaluation process ought to include direct input from police services boards and chiefs of police, when deemed necessary.

**DIRECT ENTRY, LATERAL ENTRY AND CIVILIANIZATION**

In Recommendations 7 and 8 of our 1989 report, we urged that processes be developed for lateral entry and direct entry into police forces, and for civilianization of sworn peace officer positions. Adoption of these special measures in recruiting would permit more rapid and meaningful entry of qualified individuals, including racial minorities, into policing.

Specifically, in Recommendation 7 we recommended that by 1990 the Solicitor General, in consultation with the appropriate associations, develop mechanisms by which lateral entry by members of other forces or direct entry by qualified civilians be accomplished. We further recommended that by 1993 lateral entry and direct entry processes, as well as accelerated promotional plans for the recruitment of racial minorities at all senior ranks, be considered during the approval of the goals and timetables of Ontario police forces. We stated the need for, and recommended the establishment of, appropriate officer training programs for candidates seeking command and senior rank whether from within lower ranks of a force, by lateral entry from another force, or by direct entry from civilian occupations.

In Recommendation 8 we asked that the Solicitor General require all police governing authorities to review all sworn officer positions with a goal of civilianization. We recommended that appropriate positions be converted to civilian status by December of 1989, and that all civilian positions be included with required employment equity policies and hiring and promotional goals and timetables to be submitted by December of 1989 for approval.

We note that the Employment Equity Plans Regulation requires that police forces set goals and timetables for implementation of positive measures, including converting appropriate positions from officer to civilian status, and lateral entry of members of the prescribed groups. We believe it is necessary that in the approval of the implementation of plans, special consideration be given to the evaluation of how police forces have performed in implementing these positive measures.

13. The Task Force recommends that in the review of implementation of employment equity plans, the proposed Race Relations and Policing Monitoring and Audit Board ensure special emphasis is given to the review of the implementation of positive measures involving direct and lateral entry processes, and civilianization of sworn police officer positions.

The Regulation further requires that police forces set goals and timetables for implementation of positive measures including "Direct entry of members of prescribed groups to administrative positions" and, "The provision of operational police training to members of prescribed groups appointed to administrative positions

in the civilian occupational group in order to become police officers". We are concerned that the latter two positive measures appear to intend that civilians may enter police forces directly only in civilian administrative positions and not in sworn officer positions.

In 1989 we stated our belief that "there is room for 'outsiders' to come into policing at more senior ranks than constable levels". We believed then, and now, that qualified individuals who would enhance police forces, be they racial minorities or not, should be drawn from other occupations, and subsequently required to complete basic training and an officer training program. We believe that the Ministry of the Solicitor General has an obligation to undertake research for the development of a model for direct entry for use by Ontario police forces. If the decision has been made by the Ministry that direct entry from other occupations to ranks above constable shall not occur, then that position should be stated and justified. As policing changes to a community oriented model, and as the police educational system develops as apparently intended, then opportunity for direct entry should increasingly be seen as a means of obtaining needed skills within policing.

We believe lateral and direct entry must be at the core of employment equity. We recognize that lateral entry and direct entry are difficult, and disturbing concepts for police, and that their concerns must be acknowledged and addressed. However, failure to accept direct entry and lateral entry will leave police

isolated among all other modern institutions which enrich their environment and their capacity to fulfil their function by use of these initiatives. Insistence upon the rank of constable as the one entry point into policing is extremely limiting of the potential of police to achieve the breadth of capacity essential for contemporary policing.

14. The Task Force recommends that formal lateral entry and direct entry processes be developed by the Ministry of the Solicitor General for use by police forces.
15. The Task Force recommends that the Solicitor General amend section 9(4)(g) of the Employment Equity Plans Regulation to read "direct entry of members of prescribed groups to administrative positions, and, upon completion of basic and officer training programs, to operational positions."

Basic to any program of direct entry from civilian occupations into sworn officer operational positions, is the development of an effective senior officer training program by the Ministry. The program should be of the highest standard, available to and a requirement for serving officers wishing to enter senior ranks and civilians selected for direct entry.

Aside from the issue of employment equity, we continue to believe it remains critical that the Ministry take a lead role in the development of an officer training program as outlined in Recommendation 7(a) of our 1989 report. We have no evidence such initiative has been taken to date. Action on recommendation 7(a) is urgently required.

### IMPLEMENTATION OF EMPLOYMENT EQUITY PLANS

With the recommended approval of the employment equity plans of most police forces in Ontario, the present challenge is to ensure the plans are, in fact, implemented. The comprehensive implementation of employment equity throughout Ontario policing will be an extremely complex process.

We are convinced that many, if not most, police forces throughout Ontario will be unable to meet stated hiring and promotional goals without a defined implementation strategy which will require or, at least benefit from, central direction from the Ministry of the Solicitor General. While the dedication and hard work of staff within the Ministry who participated in assisting police forces in developing and revising employment equity plans is recognized and commended, we are certain that the most difficult and significant work lies ahead. Substantial Ministry resources will be required to provide police forces adequate support in their efforts to implement employment equity plans.

We fear that, without committed Ministry support, attempts to implement police employment equity plans will have results as disappointing as those of the attempted implementation of the Ontario Public Service employment equity plans, so sharply and critically described by Stephen Lewis.

To succeed, the Ministry must assume a lead role in developing bias-free selection processes, in assisting forces with hiring,

with putting into place barrier-free promotion policies and practices, and with meeting positive measures and barrier elimination goals.

#### **Bias-Free Selection Processes**

The Employment Equity Branch of the Race Relations and Policing Unit is responsible for the development of bias-free selection processes for the constable position under the Constable Selection Project. That project is fundamental to ensuring that job qualifications for the constable position reflect essential requirements, and that selection policies and practices are fair and equitable. We believe that the project is key to the effective implementation of employment equity plans. The Branch will require adequate resources both to complete that project and to conduct further research into the essential occupational competencies and characteristics for each police officer rank.

We believe that the design of focused and targeted bias-free recruitment and testing instruments based on proper qualification requirements is essential to ensuring the widest range of potential qualified candidates are considered. They are also essential in the development of plans for direct and lateral entry into policing. We are concerned that the Constable Selection Project was not resourced and completed prior to, or in conjunction with, the completion of the approval process involving employment equity plans.

16. The Task Force recommends that adequate resources be given to the development of bias-free selection processes, commencing with the adequate funding of the Constable Selection Project and further projects to develop processes for selection of each police officer rank.

a) The Task Force further recommends that upon completion of the Constable Selection Project, the Ministry of the Solicitor General begin to compile police recruit availability data based on the competencies developed by the Constable Selection Project, and further projects for all police officer ranks and that such availability data be used as an additional tool in assisting police forces in setting employment equity goals.

#### Central Police Recruiting Unit

We do not believe there is in place, at present, adequate Ministry funding, staff, or mechanisms to assist forces with the recruitment of racial minority officers. A number of individuals who came before the Task Force in 1989, both police and community representatives, identified police inability or unwillingness to achieve recruitment and selection of racial minority officers as a major barrier to the realization of employment equity goals.

Police referred to the seeming lack of interest on the part of racial minorities to choose policing as a career, and to concerns that employment equity programs designed to redress inequities would lower standards. Community representatives were express in their view that the environment existing in police forces was not welcoming to, and supportive of, racial minorities and further,

that the recruiting and selection of new recruits, as well as promotional processes, were biased and skewed in favour of white males.

We are of the view that today, as was the case in 1989, policing is not yet viewed as a welcoming and supportive institution by most racial minorities. We argued in 1989 that the recruitment process would be greatly aided by a centralized recruiting capacity.

In Recommendation 9, we proposed the establishment of a Central Police Recruiting Unit, regionally deployed throughout the province, under the auspices of Policing Services Division of the Ministry of the Solicitor General. We consider this proposal fundamental to the success of police employment equity programs. A Central Police Recruiting Unit was, and continues to be, recommended as a major supportive mechanism for employment equity.

This proposed Unit was intended to serve all police forces in Ontario by: assisting in the recruitment of police officers, with special emphasis on racial minority officers; developing bias-free recruitment, testing and selection instruments and processes; developing, maintaining and publicizing relevant data on the composition of Ontario's police forces with special reference to the recruitment, hiring and promotion of those candidates from the pool established by the Unit; and, conducting appropriate research in police recruitment issues.

The Employment Equity Plans Regulation calls for the establishment of barrier elimination goals to remove systemic barriers and for positive measures for prescribed groups if they are under-represented in uniform, civilian and position categories. Policing environments must change, failing which prescribed groups will enter other organizations which can handle diversity. Police forces must be provided with expertise to develop proper human resources policies and practices to meet the barrier elimination and positive measures goals required by Regulation. A properly resourced Central Police Recruiting Unit could assist in fulfilling this function. To be effective it would need to consult with the Ministry of Citizenship and the Ministry of Colleges and Universities.

We argued that the establishment of the Central Police Recruiting Unit would provide a valuable service by assembling qualified potential recruits from a variety of racial minority backgrounds. We believed that by staffing such a Unit with experts in the field, supplemented by seconded officers, expertise and knowledge with respect to employment equity and its implementation would be developed and available to forces throughout the province.

Some of the research and development functions proposed in 1989 for the Unit are now being carried out by the Employment Equity Branch of the Race Relations and Policing Unit, particularly in the development of selection processes and systems by way of the Constable Selection Project. The Ministry, however, has not established a Unit devoted to assisting in the actual recruitment

of racial minority officers.

In what appears to be a limited response to Recommendation 9, the Ministry currently proposes activating the use of an inventory it terms the Central Registrant Inventory. If made operational, it will provide an automated repository of prescribed group members who are either interested in a career in sworn or civilian policing, or who are existing employees of a police force interested in moving to Ontario, in lateral entry or direct entry to a police force. It is planned that services provided by the Central Registrant Inventory would be available to all Ontario police forces and would be housed and accessible centrally in the Ministry of the Solicitor General.

Interested individuals may register in the inventory. Police forces which are attempting to meet their employment equity goals may forward a request for registrant information to the inventory system. The inventory will attempt to match their information with the police request. The police force will then directly contact the appropriate registrant.

We are informed that a marketing strategy to supplement the inventory was in the design stage but were unable to learn the extent and scope or degree of completion of the strategy.

We believe that the Central Registrant Inventory, if it becomes operational, will represent little more than a repository of names of individuals who have not been properly screened. We do

not believe the Central Registrant Inventory will assist police forces in their recruitment of racial minorities in any meaningful way. It appears that a decision not to implement fully Recommendation 9 of the 1989 report occurred not long after its release. That decision discloses a clear philosophical difference between what the Task Force recommended and what was finally proposed. The original recommendation envisaged a vital and proactive approach to a hiring and promotion strategy for police forces in Ontario. The proposed inventory is a sterile substitute.

Lateral and direct entry appear to be poorly laid out add-ons to the inventory. The Ministry must develop mechanisms for the implementation of lateral and direct entry processes if they are to be used meaningfully as categories in any inventory. It must be made clear that lateral entry includes officers from both inside and outside Ontario. In addition, the inventory does not address recruitment and acknowledgement of credentials of individuals immigrating from abroad.

The Central Registrant Inventory does not reflect the spirit or intent of our Recommendation 9. It has not received the support of the police of Ontario. We believe that it will not work. We recognize that at some point the Employment Equity and Outreach Recruitment Section of Policing Services Division may have been intended to assist police forces with outreach initiatives. This activity has not occurred.

We remain convinced that the concept of a central recruiting facility is both sound and necessary. We recognize that the Employment Equity Plans Regulation places specific responsibility on police forces for the adoption of positive measures. In renewing our recommendation for the establishment of a Central Police Recruiting Unit, we do not wish to detract from the stated responsibilities of police forces set out under the Employment Equity Plans Regulation.

However, we believe that police forces would greatly benefit from a Central Police Recruiting Unit.

17. The Task Force again recommends the immediate establishment of the Central Police Recruiting Unit within Policing Services Division. The Task Force recommends the Unit be adequately staffed and resourced to fulfil the following duties:

- a) to develop and implement aggressive marketing strategies to develop a pool of prescribed group candidates for police forces;
- b) to utilize specially designed bias-free selection and testing instruments established by the Ministry;
- c) to maintain a tracking and computer inventory of prescribed group candidates;
- d) to train and support police forces in their employment equity marketing efforts;
- e) to assist with the training of police personnel in use of selection instruments;
- f) to research and provide mentoring and role model paradigms for use by police forces;
- g) to carry out further research in police recruitment, selection, hiring and

promotion;

- h) to assist police forces in conducting employment systems reviews;
- i) to assist forces in developing proper human resources policies and procedures to meet barrier elimination and positive measures goals; and,
- j) to cooperate with the Ministry of Citizenship and the Ministry of Colleges and Universities in fulfilling its functions.

#### **Employment Systems Reviews**

We suggest that aside from supporting police forces in the recruitment of racial minorities and other designated groups, the Ministry should also support forces in conducting employment systems reviews. Such reviews would ensure that proper career development and promotional processes of benefit to racial minorities are in place.

18. The Task Force recommends the Ministry of the Solicitor General, through a Central Police Recruiting Unit, develop a grants program for police forces for the purpose of providing them with financial assistance in undertaking employment systems reviews and in meeting barrier elimination and positive measures goals.

We note that even with proper resourcing of the proposed Unit within the Ministry, little progress will be made unless the staff of such a Unit can work with individuals within police forces who have adequate rank and knowledge to benefit from the Ministry's expertise. We believe that the direct responsibility for

employment equity on the part of police services boards and chiefs of police must translate into the appointment of highly qualified individuals within police forces to carry out the implementation of employment equity plans.

19. The Task Force recommends that all police forces large enough to have a separate Personnel or Human Resources Department ensure the person in charge of such a Department, having responsibility for the implementation of employment equity plans, be a civilian with expertise in human resources issues.

- a) The Task Force recommends that every police force which does not have a separate Personnel or Human Resources Department appoint a qualified Employment Equity Officer, committed to the position for a minimum of two years.
- b) The Task Force recommends that the Ministry of the Solicitor General take immediate steps to establish standards for the qualifications of Employment Equity Officers for all police forces throughout the province.

#### **Hiring Opportunities**

In today's economy hiring constraints are a reality. A number of forces have projected few hiring opportunities, and at least one large municipal force projected no hiring opportunities for the entire plan period. Police force composition will not change sufficiently and quickly without hiring opportunities. We believe that the Ministry of the Solicitor General ought to consider, in consultation with the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police and the Police Association of Ontario, mechanisms for early retirement of police personnel.

20. The Task Force recommends that the Ministry of the Solicitor General create, in consultation with the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police and the Police Association of Ontario, mechanisms for early retirement of police officers to facilitate employment equity initiatives.

Sections 6 and 7 of the Employment Equity Plans Regulation make clear that in instances in which a police force underestimates its hiring or promotional opportunities for the plan period, it must revise its hiring goals during that plan period according to hiring goal requirements. A review of whether hiring and promotional opportunities were underestimated or changed over the course of a plan period ought to be part of a race relations audit of a police force.

21. The Task Force recommends that a review of whether hiring and promotional opportunities were underestimated in police force employment equity plans, or changed over the course of a plan period, be part of a race relations audit, the results of which are to be reviewed by the proposed Race Relations and Policing Monitoring and Audit Board.

#### MISCELLANEOUS RECOMMENDATIONS (1989)

In Recommendations 10, 11 and 12 of our 1989 Report, we addressed several issues.

### **Reasonable Accommodation of Religious Beliefs**

Recommendation 10 called for the amendment of the former Police Act Regulations to require all police forces to allow members of the Sikh religion to wear their religious symbols while serving in every facet of policing. We also recommended that the Solicitor General ensure no person be deprived of police employment by reason of religious dress or other requirements that could be reasonably accommodated.

We have been advised that this recommendation was accepted by the Ministry in principle, and that standards for the accommodation of religious beliefs will be incorporated into the Policing Standards Manual to be distributed by the Ministry. We believe an amendment to the Regulation to be preferable.

### **Managing a Pluralistic, Multiracial, and Multicultural Workforce**

Recommendation 11 emphasized the need for pluralistic, multiracial, and multicultural work forces to be managed with a sensitivity to differences as well as similarities. We emphasized the need for police managers to be trained to manage diversity effectively, and to know how racial minorities are interacting with their co-workers. To that end, we specifically recommended that the Ministry, by 1990, develop and make available to policing institutions an Organizational Climate and Employee Satisfaction Survey to be administered to racial minority officers and civilian employees.

It does not appear that any steps were taken by the Ministry in response to Recommendation 11.

However, we note that police forces were required to include in their employment equity plan policies to: provide educational training for employees on race relations, diversity and human rights; eliminate discrimination and harassment; eliminate sex, race and disability stereotyping; and provide support mechanisms for employees who are members of prescribed groups.

We remain of the view that an Organizational Climate and Employee Satisfaction Survey would assist in evaluating whether the implementation of such policies is, in fact, effective.

We believe the Ministry must conduct appropriate research to determine whether police forces are retaining racial minority employees.

22. The Task Force recommends the Ministry of the Solicitor General develop mechanisms to monitor the retention rate of racial minority officers within police forces, and when necessary, assist forces in implementing retention and career development strategies to ensure qualified racial minority officers remain in policing.

#### **Award of Excellence in Employment Equity**

Recommendation 12 called for the Solicitor General to establish an award of excellence for forces which performed

meritoriously in achieving employment equity goals.

It does not appear that initiatives were taken by the Ministry to establish such an award.

We continue to believe that forces which perform well in developing and managing pluralistic, multiracial, and multicultural work forces ought to be celebrated and recognized. As the second phase of employment equity comes into play, that of implementation of employment equity plans, the development of an employment equity award may be most timely.



# Training



## TRAINING

### BACKGROUND AND TASK FORCE RECOMMENDATIONS (1989)

Individuals presenting to the Task Force in 1989 expressed the belief that police officers were not adequately trained to deal sensitively with the concerns of their respective racial minority communities.

We set out twelve recommendations related to training in our 1989 report. For present reporting purposes, we have clustered the recommendations into three groups: Legislative and Formal Approaches; Self-funding; and, Race Relations Training.

### LEGISLATIVE AND FORMAL APPROACHES

#### **Entry Requirements**

Recommendations 14 and 15 dealt with entry requirements for policing in Ontario. The former Police Act required no more than the completion of Grade 10 as a criterion for hiring. Although the Ontario Police College required a minimum of Grade 12, there was no requirement that all new police officers attend the College. Policing considers itself a profession, and there is no question that the public demands that police behave professionally. As a first step toward ensuring the educational base for that professionalism, we believed it essential that all new police officers had completed Grade 12 or its equivalent. In

Recommendation 14, we asked that the Police Act be amended to make this a requirement for admission to Ontario police forces. The Police Services Act, 1990 enacts this recommendation.

Recommendation 15 also looked at the issue of entry requirements into policing. In 1989 there was no requirement compelling new applicants to attend at the Ontario Police College prior to appointment as a police officer. We asked that the Police Act be amended to create such a requirement. We believed that all new recruits across the Province should receive at least the basic recruit training offered by the Ontario Police College prior to being charged with the responsibilities of a police officer. The Police Services Act, 1990 requires that all new officers complete a period of initial training within six months of their appointment. We believe that the spirit of our recommendation has been met.

Further, the proposal by the Ministry's Strategic Planning Committee on Police Training and Education entitled "A Police Learning System for Ontario", envisions a two semester "foundation training" and a standardized province-wide examination prior to application for a position as a police officer in Ontario. This training would consist primarily of academic knowledge and generic skills and would be delivered through the community college system. If accepted, Ministry estimates suggest that this proposal would require another three years to implement. We believe that three years for implementation is a best case scenario. Some interim training strategies and methods will be necessary. Nonetheless,

the foundation training approach can be viewed as responding to the spirit of recommendations 14 and 15. We consider the consultation process of the Strategic Planning Committee on Police Training and Education to be a significant endeavour and its final report and recommendations to be an important contribution to the future delivery of contemporary policing services in Ontario.

#### **Continuing Education**

The next set of recommendations, 13, 17, and 21, dealt with requirements for continuing education. We recognized the importance of additional education for police officers. We saw the need not only in general education, but also in police skills training, and most critically in race relations training.

Recommendation 13 called on the Solicitor General to encourage police forces to facilitate the enrolment of officers in university level courses through funding support, shift accommodation and promotional opportunities. Recommendation 13 (a) proposed that officers receive opportunities and assistance to achieve university entrance requirements. The recommendation was designed to promote the value of general post-secondary education in developing flexible, tolerant and independently capable police officers, by providing assistance to those officers who would take advantage of such education. Although some individual police forces are providing support for continuing education programs, there is no evidence that the Ministry has addressed this recommendation in any

way.

Recommendation 17 requested that the Solicitor General require all police officers in Ontario to complete a four-week refresher training course at five years of service and every five years thereafter. Further, we recommended that this refresher training course include a significant component of professionally evaluated race relations training and that it integrate race relations issues throughout the curriculum. We recognize that the critical need for extensive and repeated training has to be balanced against limits on available resources. However, a substantial number of successful corporations are devoting a far greater percentage of resources to re-training than is policing.

We were told by police trainers that in their estimate officers refreshed their skills on average once every twelve years. In the rapid change environment in which policing operates today and with the increasing demands that are made of police officers, this schedule is unsuitable. No efforts appear to have been taken yet to implement this recommendation, although the recent announcement by the Solicitor General regarding the Use of Force Regulation amendments indicates greater and more frequent training in that important area. Further, the Minister has announced, without detail, that the in-service race relations training package developed by the RRPB will be made available to police services.

It has been suggested to us that the Advanced Training Course

(ATC), a fourteen day program presented at the Ontario Police College, serves the purpose of recommendation 17. It is certainly true that the intent of this program is to upgrade and update officer skills. It is also true that some efforts have been made to include race relations training in its content. There have been, however, considerable problems in integrating race relations content into that course. We will be examining more closely the efforts to reshape the Advanced Training Course (ATC) at a later point in this section under the heading Review and Redesign. We believe that this effort does not represent either the original intent of the recommendation and we do not view it as derivative.

The Task Force was concerned not with the mere availability of a course, which existed before our recommendation and not in response to it, but with the requirement that all officers in the province complete a refresher course every five years. We said in 1989 "Continuing education is critical if officers are expected to maintain skills, be current on changes in the law and be sensitive to the increasingly diverse communities they serve". We have not been informed of any initiative by the Ministry addressing this need.

We have discussed recommendations relating to requirements for general police education and training. In 1989 we stated that a strong general training system is required if race relations initiatives are to have any chance of success. In Recommendation 21 of our original report we asked the Solicitor General, through the Police Act, to require that all police officers, including

senior command officers, civilian staff, police commissioners and members of committees of council, receive race relations training on a continuing education basis.

The intent of our recommendation was clear. For race relations training to have any meaningful impact, it must be implemented throughout the police system, starting at the top. As it was put by one race relations consultant who appeared before the 1989 Task Force "The first step in any change process is to help the people at the top, the key decision makers within the institution or organization, to confront the reality of racial barriers within their own system". We stated then that police management and governing authorities must recognize that race relations training will better equip them for their responsibilities, and will reinforce training received by more junior officers.

We believed that it was necessary that a requirement for race relations training be legislated in the Police Act. The new Police Services Act, 1990 did not incorporate any such requirement, nor did any subsequent Regulation. We have been unable to ascertain any other effort by the Ministry to give race relations training to senior command officers, civilian staff or police services board members.

### Standardization of Training - Police Learning System

Recommendations 16 and 19 dealt with the need to ensure that all officers in Ontario received training that met appropriate standards. In 1989, we noted that there were no uniform provincial standards for police training. This lack of standardization has had serious implications for race relations training.

Recommendation 16 asked that a new coach officer program be monitored, that standards be developed by the Policing Services Division of the Ministry for coach officers, including refresher training and training in race relations and, that the program be evaluated for effectiveness.

As we noted in 1989, the average amount of formal training received by police officers throughout their career was relatively minimal. Most of what the officer learned was learned on the job from fellow officers. If this learning were not supportive of the formal training, then there could be extensive pressure on recruits to ignore that formal training in favour of "how it is really done". From a race relations perspective, properly qualified coach officers are essential.

Efforts have been made by the Ministry to integrate race relations content into the Coach Officer Training Course at the Ontario Police College. However, evaluations have shown that most of the officers who complete the course are not assigned to coach officer duties. Ten persons were tracked out of a class of twelve.

Five months after the program, only two had coached a recruit. The supervisor of one of these two, was completely unfamiliar with the contents of the course and its impact. The other felt that components such as race relations and community policing were not important in a course such as this because the officer learns more by doing the job than could be taught at the College.

Making an effort to integrate race relations content into the course is commendable. Some effort has been made toward formalizing and providing closer oversight of the coach officer role. We acknowledge the Strategic Planning Committee on Police Training and Education has made a series of worthwhile recommendations with respect to coach officer training.

Recommendation 19 dealt with the need for greater uniformity and control over police training in Ontario. It called for the Police Act to be amended to provide the Solicitor General with responsibility for setting and maintaining the standards for all police training in Ontario. Further, it proposed that the Solicitor General conduct a review of all police training in the Province, and that that review include an assessment of training standards, instructor qualifications, and mechanisms for evaluating training to be submitted to the Legislature by April of 1990.

We believe that the response to this and other recommendations may be included in the Report of the Strategic Planning Committee on Police Training and Education. The mission of the Committee was to develop a comprehensive strategic plan for training, education

and development of police personnel in Ontario for the next decade.

The Task Force is convinced of the need for a coordinated approach to police training and education in Ontario. We are supportive of the general direction of the police learning system proposed by the Ministry's Strategic Planning Committee on Police Training and Education. With proposed police preparatory education occurring within the community college system, police skills training being delivered by the Ontario Police College, and ongoing in-service police training occurring at prescribed intervals, the system proposes a holistic approach to police education and training.

We believe the police learning system, as described in the Committee's Final Report, is visionary and provides an excellent process for police learning.

However, we have concerns about the Committee's proposal for the creation of an Ontario Police Learning System Board. We consider training of police to be an essential Ministry function. While we believe it is important that a community based Advisory Committee be created to give direction to the implementation and operation of the police learning system, we feel it is important that control of the learning system remain with the Ministry of the Solicitor General. We believe a new Division of the Ministry, a Police Education and Training Division, headed by an Assistant Deputy Minister, ought to be responsible and accountable for the design and delivery of the police learning system.

We believe police training and education is so important, it ought to be the prime Ministry responsibility.

We respect the consensus approach of the Strategic Planning Committee. We also understand the Ministry has begun a public consultation process on the police learning system. Given that process, the Ministry might give consideration to maintaining the learning system within the Ministry. We believe there will be a greater opportunity for assignment of responsibility and maintaining of accountability in the delivery of what we view as a good learning system, if responsibility for it is housed within the Ministry at a Division level. Thus, accountability for the success of that system would become part of the performance contract of the Assistant Deputy Minister responsible for training.

23. The Task Force recommends the creation of a new Division within the Ministry of the Solicitor General, to be called the Police Education and Training Division, headed by an Assistant Deputy Minister. The Police Education and Training Division should have over-all Ministry responsibility for police training and education in Ontario.

- a) The Task Force further recommends that the Police Education and Training Division administer the Ontario Police College and that the Director of the Ontario Police College report to the Assistant Deputy Minister, Police Education and Training Division.
- b) The Task Force further recommends that the Police Education and Training Division's responsibilities include the administration of the proposed police learning system.
- c) The Task Force further recommends that the Police Education and Training Division assume responsibility for all

functions proposed to be performed by the Ontario Police Learning System Board and have responsibility for maintaining the currency of race relations and anti-racism components of the police learning system by:

- i) conducting ongoing research
- ii) determining and evaluating course relevance
- iii) overseeing the development and integration of race relations and anti-racism components into the content of all courses

d) The Task Force further recommends that the Police Education and Training Division's responsibilities include, in conjunction with the Race Relations and Policing Unit, the implementation of in-service race relations training for all police forces in Ontario.

e) The Task Force further recommends that the Police Education and Training Division be given authority to require periodic comprehensive management audits of all police training institutions and facilities.

f) The Task Force further recommends that to ensure that the Ministry of the Solicitor General maintains consistency and control in police education and training, the Police Education and Training Division be jointly responsible, along with the Ministry of Colleges and Universities, for the immediate implementation of the police learning system.

g) The Task Force further recommends that the Police Education and Training Division consult with the proposed Race Relations and Policing Monitoring and Audit Board and the Race Relations and Policing Unit to create an evaluation process which will ensure that the police learning system maintains recognition of Ontario's cultural and racial diversity and embodies such recognition in its mission statement and integrates race relations and anti-racism components throughout all of its courses.

- h) The Task Force further recommends the Police Education and Training Division establish formal intra-Ministerial protocols with the Race Relations and Policing Unit for the development of and delivery of in-service race relations training to police forces in Ontario.
- i) The Task Force further recommends the following amendments to the police learning system:
  - i) the principles of the police learning system include reference to the integration of race relations and anti-racism principles.
  - ii) the mission statement for the police learning system include references to Ontario's diversity as described in this 1992 Task Force Report.
  - iii) employment equity objectives for police forces be stated and integrated into all courses covered by the system.

24. The Task Force recommends an Advisory Committee, with community and police representatives, be established, to report to the Assistant Deputy Minister, Police Education and Training Division. The duties of the Advisory Committee should include advising on the integration of race relations and anti-racism content to all aspects of the police education system and training.

If the Ministry creates the proposed Police Education and Training Division, and if, as we believe, it proves effective, then it will be available for future expansion beyond police to encompass all training requirements for the Ministry.

SELF-FUNDING

We were aware in 1989, that one of the reasons Ontario police received so little formal training was the general shortage of funding. Nevertheless, we noted that the training of recruits was fully subsidized. We concluded that this was an unreasonable situation given that all successful students would obtain employment upon graduation. We stated

"The Task Force also believes that the commitment entailed in a personal economic sacrifice will encourage, among recruits, a view of policing as a professional occupation. Good race relations and policing can only take place in a professional environment."

In Recommendation 18, we asked that students attending the police recruit training program be required to pay a reasonable contribution towards tuition, and any reasonable expenses associated with such training. To support such a move, we also asked that the Solicitor General approach the Minister of Colleges and Universities to secure an amendment of the Ministry of Colleges and Universities Act in order to provide bursaries and loans to recruits attending the Ontario Police College.

A partial response to this recommendation appears to be included under the proposed training plan of the Strategic Planning Committee on Police Training and Education. The police learning system will require students to pay normal community college fees for the generic foundation training. However, recruits would still have no responsibility for the costs of skills training at the

Ontario Police College. We are now of the view that this response is an appropriate one. We remain convinced that good race relations will occur in a professional environment and the closer police training comes to other professional training processes, the more likely that policing will be viewed as a profession. Self-funded training, therefore, remains an integral part of the development of such a view and is sufficiently answered in the obligation of students to contribute to community college education as a prerequisite to acceptance in policing. We note that the Committee recommends that recruit officer salaries be reduced while attending the Ontario Police College. That part of our earlier recommendation requiring loans and bursaries be available, ought to apply to the proposed community college education component of police training.

#### RACE RELATIONS TRAINING

As was noted earlier, in 1989 we reviewed training programs used by 99 Ontario police services. We discovered that initiatives in this area were limited, inconsistent, and revealed considerable variation in approaches. We were also told by experts that the Ontario Police College's race relations training program was not the best and might be counter-productive.

Part of the problem we identified was that the field of race relations training is fraught with conflicting methodologies. We found no agreement on a standard race relations curriculum for

police, or other institutions for that matter.

We observed that race relations issues tended to be taught in isolation from other police training issues and that little time was spent on ensuring that information conveyed was understood. Further, the focus of most race relations training for policing in Ontario followed a cross-cultural method. We believed this kind of training resulted in a travelogue approach which encouraged stereotyping and presented the false impression that knowledge of particular cultures could be quickly acquired.

Race relations training must concentrate on identifying and changing behaviour which has a discriminatory effect. We concluded

"If it is to change behaviour, race relations training must be carefully designed and must apply to the job responsibilities of individual officers. We emphasize that two types of race relations training are needed. First, all police officers require the benefit of a separately taught race relations course. Secondly, and perhaps more importantly, race relations issues must also be integrated into all other training and become part of routine policing activities."

The Metropolitan Toronto Auditor's assessment of race relations training in his recent "Review of the Race Relations Practices of the Metropolitan Toronto Police" reinforces our general concerns and the thrust of our original recommendations in this area. That assessment addresses issues which are generic in their applicability to race relations training practices throughout Ontario and at the Ontario Police College.

### Review and Redesign

Recommendation 22 of our 1989 Report called for a complete review and redesign of all race relations training for police in the province by December 31, 1990.

As part of the process we called for a short moratorium on existing training during the redesign phase. We recommended that by January, 1990, the instructional materials and training programs used by all police forces and training institutions be reviewed jointly by the Solicitor General, other policing bodies and civilian consultants for the purposes of redeveloping race relations training for policing. This review of training materials was also to ensure that visible minority civilians and police officers of both sexes were appropriately depicted at all times.

The redesign of the program was to be complete by June, 1990, and the resulting race relations training manuals were to be made available for review by the public. We recommended also that the implementation of new race relations training be monitored every year for the first three years and every five years thereafter by the then proposed Ontario Race Relations and Policing Review Board.

Considerable effort has been expended by the Ministry in creating new race relations training in response to recommendation 22. The Race Relations and Policing Unit retained professional consultants to assist in the development and evaluation of a number of initiatives and projects. These

initiatives and projects are grouped into four categories:

- 1) Review of Existing Race Relations Training Programs;
- 2) In-service training;
- 3) Laser Interactive Video; and,
- 4) Ontario Police College Courses.

#### **Review of Existing Race Relations Programs**

It appears that at some point, the principle of a joint review, as called for by the Task Force was rejected and the development of new race relations training became the project of the Ministry.

The Ministry commissioned a review of race relations training models in Canada, the United States and the United Kingdom with the intention of developing a race relations training strategy for Ontario. The result was a report entitled "Race Relations Training Review". The conclusions of this report support most of our 1989 recommendations. However, we have found that when the conclusions of that report were in conflict with the existing view of policing and traditional ways of operating at the Ministry, they were either diluted or rejected.

Finally, the recommended screening of all police training materials for the appropriate depiction of racial minorities was never conducted.

### In-Service Training

An eight day in-service race relations training course entitled: "Policing in a Multiracial Society" has been developed by the RRPUs for use by police forces.

The final version of "Policing in a Multiracial Society" has been ready since June of 1992. However, because of serious cuts in funding and personnel, little has been done to date about an implementation strategy. The Ministry is currently in the process of hiring a new Training Manager for the RRPUs and in-house Training Consultants to advise police forces on the implementation of this program.

Beyond the resourcing issue at the RRPUs, we have three concerns with respect to this course. The first has to do with the philosophy of implementation. The use of this program is being left solely to the discretion of police forces. The Ministry is taking a strictly advisory approach. Without mandatory compliance, police forces appear to be at liberty to accept or reject the entire course or portions thereof. They can also decide when they will implement the program and how quickly officers will receive the training.

Our second concern relates to the basis upon which participants were chosen for the pilot course. Most of these police officers appear to have been selected because they already had significant exposure to race relations issues and had some

commitment to them. The success of the pilot almost certainly was influenced by this selection process, and we are concerned that this success may not be duplicated when a more random selection of officers attend the course. The report of the Metropolitan Toronto Auditor stated the difficulty of achieving success in delivering in-service race relations training.

A third concern relates to the fact that there is no existing train-the-trainers program for the police instructors who may be presenting the course.

It is our view that "Policing in a Multiracial Society" is significantly better than the race relations training that was provided previously, but that implementation of this course requires close monitoring and constant evaluation by the Ministry in the interests of continuous improvement. Further, it is necessary that trainers presenting the program be appropriately prepared.

At this time, we are not aware of any police force in Ontario that is currently implementing the new in-service training. In 1989 we concluded that existing race relations training was entirely inadequate. It is now apparent that, three and one-half years later, almost no training of value has occurred. It is likely that the police learning system will not be in force for at least three years from now. The hiatus in race relations training is extreme and must be addressed in the period between now and the inception of the police learning system.

On September 29, 1992, the Solicitor General announced that "Policing in a Multiracial Society" will "now be activated".

We believe there must be a well considered strategy for the delivery of in-service training. The in-service training developed by the Race Relations and Policing Unit may be used as a basis for the development of a comprehensive in-service anti-racism and diversity training strategy. We recommend that such a training strategy have three levels, with each level including certain training components.

We propose that Level One of in-service anti-racism and diversity training ought to be at least a two day orientation course, with a two day refresher course every two years thereafter, for all police personnel below the rank of Sergeant. Delivery of Level One in-service anti-racism and diversity training must be clearly endorsed and supported by senior management.

We propose that Level Two of in-service anti-racism and diversity training ought initially to be four days in length, and one day annually thereafter, for all police officers of the rank of Sergeant and Staff Sergeant, and civilian personnel in comparable positions.

We propose that a Level Three Executive Race Relations and Management course, of a minimum length of eight days initially and two to four days annually thereafter must be provided for police management from the rank of Inspector to Chief of Police and

police services board members. The course ought to be broken down into two day segments.

25. The Task Force recommends that Level One of the in-service job-related anti-racism and diversity training be entitled Basic Sensitivity Training and, be at least a two day orientation course for the first year, and two day refresher every two years thereafter for all police personnel below the rank of Sergeant, and any civilian personnel in positions comparable to those ranks and that Level One training include components on: employment equity; race relations policy; conflict management and resolution; prejudice and discrimination; Charter of Rights and Freedoms; the Human Rights Code, 1981; and, the principles outlined in Section 1 of the Police Services Act, 1990, and include those principles outlining the need for commitment to community policing, and the need for police sensitivity to racial and cultural diversity.

- a) The Task Force further recommends that Level Two of the in-service job-related anti-racism and diversity training be entitled Advanced Sensitivity Training, and be of four days in length, and one day annually thereafter, for all police officers of the rank of Sergeant and Staff Sergeant, and civilian personnel in positions comparable to those ranks. In addition to the inclusion of topics covered in the Level One in-service anti-racism and diversity training, Level Two training should include such components as: diversity management; enhanced employment equity training; Police Services Act, 1990; and should seek to increase participants' understanding of contemporary policing.
- b) The Task Force further recommends that Level Three of the in-service job-related anti-racism and diversity training be entitled Executive Race Relations and Management, and be a minimum length of eight days the first year and two to four days annually thereafter, for police management inclusive of the ranks of Inspector to Chief of Police, any civilian personnel in positions comparable to those ranks, and members of police services boards. This course ought to be broken into two day segments

and, in addition to Level Two content, should include components on: values formation; effective leadership and management styles which complement community policing; appreciation of racial, cultural and historical antecedents; and managing organizational change.

Delivery of the in-service anti-racism and diversity training should be developed by the Ministry of the Solicitor General, through the RRPUs. The Ministry ought to ensure training is delivered by teams of civilian and police instructors. As noted in our 1989 report, training teams ought to be balanced, and include trainers of mixed gender and race. Ideally, training ought to take place in a setting away from traditional police training environments, such as universities or community colleges. Training must be job-related.

Unless the Ministry places some onus upon police forces in Ontario to complete race relations training for all their officers in a timely manner, it is quite conceivable that it could take ten years or longer for all police officers to be exposed to the complete course. We consider this situation unacceptable.

We suggest that the Ministry of the Solicitor General attempt to establish priority of delivery of in-service training. Selection of forces to receive immediate training ought to include consideration of the racial and cultural diversity of the community served by a police force. Even if a community has little racial or cultural diversity, consideration must be given to whether a particular community served by a police force receives significant

numbers of tourists or visitors who may be racially or culturally diverse. Those forces which serve a racially or culturally diverse community or tourist or visitor population ought to be given in-service training priority.

26. The Task Force recommends the Anti-Racism and Diversity Executive Committee, in consultation with the proposed Race Relations and Policing Monitoring and Audit Board, target police forces which will first receive comprehensive in-service race relations training. In targeting forces which will first receive in-service training, the racial and cultural diversity of the community and visitor population the force serves ought to be considered.

Police forces which are targeted immediately to receive race relations training must be in a position to ensure their officers are available to receive that training. Accordingly, we suggest that all police forces with 100 or more employees develop plans, including timeframes for the training of their employees.

We believe most police forces are anxious to receive training in many areas, including race relations. We recognize that many, particularly small police forces, undergo difficulties in arranging for their personnel to receive training. Replacement of officers in training can often not be accommodated. We believe the Ministry ought to consider ways to support forces which undergo serious staffing difficulties when their members must undergo training.

27. The Task Force recommends that when a force selected for in-service race relations training can demonstrate need, the Ministry of the Solicitor General grant financial or other support to provide the force with the ability to make officers available for training.

- a) The Task Force further recommends that when police forces with less than 100 employees lack the resources to implement race relations training that protocols be developed between such forces and the O.P.P. or other suitably resourced police forces to provide support.

#### Interactive Video

"Two Way Streets", an interactive video focusing on vehicle stops, integrates race relations content into its scenarios. This application of sophisticated technology created by the RRPUs with the assistance of outside consultants and community advisors, is a highly innovative enhancement to police training. The video serves as an effective introduction of a new training technology. From the point of view of our 1989 recommendations, while it is an excellent tool for use in other courses and an attractive introduction to race relations training for officers, its present scope is too limited to have great impact. We would nonetheless encourage the effective use of technology in training, particularly when it allows for greater decentralization and consistency of delivery.

Further, while the video appears to integrate race relations issues very well, the benefit of the program in relation to race relations learning depends on the manner in which officers are exposed to the program. We understand that the RRPUs is working on a set of guidelines for the use of the interactive video. Such guidelines are a necessary addition to the program. Having viewed

the video, we commend the Ministry for its creation. We believe it is imperative that the interactive video training be delivered by trained facilitators. On September 29, 1992 the Minister announced the video will receive expanded use. Some police forces will need support in provision of equipment for the delivery of this training. Further, this program should be offered to the Ontario Police College for use in recruit and advanced training.

28. The Task Force recommends that the Interactive Laser Video be provided to the Race Relations and Adult Education Unit of the Ontario Police College for recruit and advanced training purposes.

a) The Task Force further recommends that police forces which can demonstrate need receive support from the Ministry in provision of trained facilitators and equipment for the delivery of this training.

#### Ontario Police College Courses

An attempt was made by the RRPu in conjunction with the Ontario Police College to integrate race relations content into four general police training courses which were already being presented at the College. These were the Recruitment, Selection and Personnel Officer Course; the Coach Officer Course; the Advanced Training Course; and the Police Management II Course.

In general terms the integration process was not successful. The race relations training initiative has acted as a catalyst for the introduction of more progressive adult education techniques in

the delivery of each of the courses. As a result, all four courses have been significantly improved; unfortunately, the results in terms of race relations learning have been minimal.

The Recruitment, Selection and Personnel Officer Course has been withdrawn from the curriculum for financial reasons. Nevertheless, at the time when an attempt was made to integrate race relations training, some participants in that course were extremely sensitive to any suggestion that the police needed to improve race relations or employment equity performance. They showed a definite resistance to certain topics and to the "outside consultants" who presented the course. Others were more appreciative of the material but said that they would probably not have the opportunity to implement the ideas they had learned because their role in the human resources function was too narrowly defined.

The Coach Officer Course is currently being used at the College. The evaluator considered the program on the whole to be successful but noted that there needs to be more emphasis on directly challenging racism. The report of the evaluator states that facilitators seemed uncomfortable when participants expressed views which were different from those they were teaching and that there was a tendency to avoid conflict.

With the Advanced Training Course, the evaluator found little success in the integration of race relations content. The separate race relations modules were not well accepted and there was

significant resistance to the concepts presented. This resistance was often expressed by a drop in attention, or negative comments on the part of the officers. It should be noted that the race relations content was the only part of the course that was not included in the exam for the course. The race relations modules presented during the pilot have since been discontinued without being replaced in any way.

Police Management II, designed primarily for officers at the rank of Staff Sergeant, was a source of contention between the RRPu and the Ontario Police College during the design phase. During the course, the officers expressed hostility toward anything having to do with race relations and saw it as taking away from "more important policing issues".

Officers took issue with the evaluation and refused to complete the pre-training questionnaire. This same questionnaire was completed by participants in each of the other courses without incident.

There is no doubt that serious conflict existed between the RRPu and the staff of Ontario Police College. This conflict appears to have become a distinct barrier to the successful integration of race relations content into the College's programs. We have heard strongly held opposing views as to the causes of the grave dysfunction in working relations between the RRPu and the College. The dispute has been dispiriting to all involved, and has severely damaged the possibility of timely and effective delivery

of appropriate race relations training to police officers in this province.

We believe it would be unproductive at this stage to pass judgment or assign blame in this impasse between the College and the RRP. However, we have great difficulty with the fact that the conflict was allowed to continue over the course of the year with the full knowledge of senior officials at the Ministry, and in the end it still remained unresolved. Perhaps the RRP could have been given greater direction and support, or greater accountability of the College to ministerial priorities could have been demanded. In any case the dispute should have been resolved much earlier by senior management of the Ministry.

Stephen Lewis discussed race relations training for police and said:

"On this issue I experienced total bewilderment. One would have thought, given all the previous reports over the years, and the dramatic changes in the composition of Ontario's society, that race relations training would be a kind of holy writ, integrated into all the police training programs, whether new recruits or long-term officers. It's simply not the case. And there's no excuse for it. None."

We agree. Again, the need for immediate and effective accountability mechanisms in the Ministry is unarguable.

We have little option but to conclude that the integration of race relations training at the Ontario Police College was unsuccessful. Beyond the race relations training capacity of the

College, another training issue needs to be raised. We have reason to believe that the instructional skill level at the College requires retooling. Basic adult education instructional methodology is a fundamental ingredient in instilling knowledge, be it race relations or otherwise.

At present, responsibility for race relations programs at the Police College has been given to the College itself. It has received the funding and personnel to support that accountability in the form of the new Race Relations and Adult Education Unit. We believe the progress of race relations training at the College needs to be closely monitored. Careful consideration must be given to the selection process for instructors and an examination is required as to whether the location of the College at Aylmer is an inhibitor to the College having a broader pool of instructors from which it may select.

The new Race Relations and Adult Education Unit falls under the direction of the Deputy Director of Program Development and Evaluation. We believe the creation of this Deputy Director position is essential to the achievement of the adult education capacity of the College. We note the Race Relations and Adult Education Unit provides an excellent resource for "in-house" integration of race relations training through College curricula. However, we believe the Program Development and Evaluation Division of the College lacks non-salary funding. The Division must be supported by technology, equipment, services and a publishing capacity in order to fulfil its role effectively.

29. The Task Force recommends the Ministry of the Solicitor General ensure sufficient funding is provided to the Ontario Police College's Program Development and Evaluation Division to ensure that it can adequately fulfil its functions.

a) The Task Force further recommends that the Ministry of the Solicitor General appropriately resource the Ontario Police College Race Relations and Adult Education Unit, in order that the Unit can fully and comprehensively develop anti-racism, diversity and race relations course content and integrate such content into all courses delivered at the College.

The Ontario Police College clearly requires a comprehensive management audit. An assessment of the adult education capacity of the College must be included in that audit. The Ministry has an obligation to provide much more direction to the College than it has in the past. Further, the administration of the College must be made more directly accountable to the Ministry for preparation and delivery of materials and courses which meet clearly set Ministry standards.

30. The Task Force recommends that an immediate comprehensive management audit of the Ontario Police College be conducted to assess its:

- i) organizational structure
- ii) mandate
- iii) management capacity
- iv) adult education capacity
- v) instructor selection criteria
- vi) capacity for curriculum development and course design
- vii) course evaluation mechanisms
- viii) mode and level of testing participants
- ix) race relations training capacity
- x) employment equity plans
- xi) training materials as they relate to the appropriate depiction of minorities
- xii) learning environment to ensure that the concepts of equity and diversity as

established in the principles of the police learning system are entrenched therein

xiii) location in Aylmer as it affects the ability of the Ministry to supervise the College effectively, and the ability of the College to attract instructors of excellence and diversity

Lastly, it should be noted that to this date, the recruit training program at the College has not been re-designed. It continues to use substantially the same race relations training as it did in 1989. Police Management II, the most senior course involved to date in a redesign process is targeted primarily at the Staff Sergeant level. The College is not engaged in program development for race relations training for commissioned officers.

Further, the four courses which we have described here comprise only a small portion of the offerings at the Police College. Many courses have not yet been examined. This group includes Criminal Investigation, Fraud Investigation, and Youth Crime.

It was our intent that new race relations programs be created and implemented in a timely manner. It is distressing that three and one-half years after our report, so much of the curriculum for police training in the province remains unaltered.

### Train-the-Trainers Programs

Recommendation 23 of the 1989 Task Force report asked that by January 1990, the Solicitor General require the Ontario Police College, in consultation with the then proposed Ontario Race Relations and Policing Review Board, and with civilian experts, to design a train-the-trainers program for all Ontario police race relations training officers. As we said then, "Race relations training, even when based on good materials vitally depends on the quality of teaching".

It was our view that to become effective race relations trainers, the trainers themselves must receive professional instruction. Further, we recommended that the train-the-trainers program be evaluated every year for the first three years and every five years thereafter. Our view was supported by the Race Relations Training Review commissioned by the Ministry of the Solicitor General which recommended training guidelines for police trainers in the field of race relations. It called for a three week intensive program in race relations and, in addition, a two week instructional skills course.

We can detect little response from the Ministry in this area. At this time, there is no train-the-trainers program in place, and beyond the endorsement of the idea, neither is there any ongoing process for creating one. The absence of a train-the-trainer program is a major problem. We do not have appropriately trained individuals to provide race relations training and have no idea

when this situation is to be remedied.

### **Internships**

In 1989 we noted that job training need not be limited to police duties. Community representatives suggested that officers be required to intern with a racial minority community organization. The Task Force agreed that such a program could be useful in dispelling myths on both sides, and proposed in Recommendation 20 that all probationary constables and all officers seeking promotion complete internship. There has been no response to this recommendation.

However, we note that the Ministry's Strategic Planning Committee on Police Training and Education proposes community internships as a valuable educational tool. While we agree, we maintain that the need for internship with racial minority organizations is critical to fostering racial tolerance and sensitivity.

In spite of logistical concerns, the Task Force urges internships with racial minority organizations as having merit.

### Evaluation of Impact

Recommendation 24 asked that the then proposed Ontario Race Relations and Policing Review Board be required to undertake a long term study of the effect of police race relations training on the interaction of officers with racial minority communities. If the Board found that the current programs were not improving the relationship, then it would be required to assess the inadequacies and recommend remedial action.

The principle of the Ontario Race Relations and Policing Review Board was not accepted and no alternate approach to this recommendation was designed. However, the idea of a long term study of the impact of race relations training should not be lost. Currently there is no such process, and given that new race relations programs have yet to be implemented in any numbers, there is not an immediate need. If we are to manage the task of providing effective race relations training, we will need some means of assessing its effect, and should be working now to develop such means. The Ministry might consider whether the newly announced Race Relations and Policing Monitoring and Audit Board might perform this function.

Our present mandate requires a review of the implementation of the recommendations related to training made in 1989. We find that in real terms, race relations training for policing has made barely marginal progress in the last three years. Some money has been spent and considerable efforts have been made resulting in few

achievements.

The critical question still remains. How many police officers have received appropriate and effective race relations training? The answer today is little different from 1989.

Over three years have passed with little effect as the issues have become even more critical. It is with regret that we must conclude that efforts in this area have been a major failure. Many of our recommendations have not yet been implemented. Unfortunately, the issues which we raised, for the most part have not been addressed in any other manner.



# **Community Policing and Community Relations**



COMMUNITY POLICING AND COMMUNITY RELATIONS

BACKGROUND AND TASK FORCE RECOMMENDATIONS (1989)

As we noted in our 1989 report, policing in the province was originally based in the community.

We believed that creative and innovative approaches to policing were required. One approach, which had already received some measure of support from police was community policing. We viewed community policing as a framework for change. We felt its central component involved the forming of partnerships between the police and the communities they served. The community was viewed as necessarily playing a vital role in policing by influencing police policy, design and implementation. We believed a shift from a traditional, reactive policing style to a contemporary, community based approach would develop the necessary organizational structure and culture required for policing a pluralistic, multiracial, and multicultural Ontario.

We argued that when community policing was a mutual commitment, sensitivities would increase, conflicts would be diminished, and trust and credibility would be fostered. We stressed that the development of community policing was critical to the bridge building required for improving relations between police and racial minorities. We believed that community policing would serve as a vehicle to allow police forces to become better in touch with their communities and, thereby, find new ways of delivering a

more equitable service.

In 1989 we recommended a variety of measures under the umbrella of community relations. These recommendations reflected our fundamental belief that they were a cornerstone upon which enhanced community policing could be built. The 1989 community relations recommendations are grouped in the following categories for present reporting purposes: Legislative and Formal Approaches; Community Policing; Race and Ethnic Relations Units; Consultation and Racial Minority Committees; Crisis Response Mechanisms; and Media Relations.

#### LEGISLATIVE AND FORMAL APPROACHES

Recommendations 37, 52 and 53 dealt specifically with the behaviour of officers and suggested certain disciplinary sanctions, corrective measures and rewards to be put into place. Recommendation 37(b) proposed the enactment of a police race relations policy.

#### **Disciplinary Offences**

Recommendation 37 proposed that the Policing Services Division of the Ministry of the Solicitor General, in consultation with the Ontario Association of Chiefs of Police, and the Ontario Human Rights Commission, develop a working definition of racially

prejudiced behaviour. Recommendation 37(a) suggested the resulting definition of racially prejudiced behaviour be incorporated into the Regulations of the former Police Act as a disciplinary offence.

We believed a disciplinary offence of racially discriminatory behaviour would send a clear signal that such conduct toward the public and toward colleague officers would not be tolerated within policing services, and indeed, would subject an officer to disciplinary sanctions.

On September 4, 1992 the Solicitor General announced a new Code of Conduct Regulation for police officers. In the amended Code of Conduct Regulation, discriminatory behaviour, including discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship and creed, may result in disciplinary action under the Police Services Act, 1990. The revised Regulation states:

1. (1) The Schedule to Regulation 791 of Revised Regulations of Ontario, 1980 is amended by striking out the heading "Code of Offences" and substituting "Code of Conduct".
- (2) Clause 1(a) of the Schedule is amended by adding the following subclauses:
  - (i.1) fails to treat or protect a person equally without discrimination with respect to police services because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.
  - (i.2) uses profane, abusive or insulting language that relates to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation,

age, marital status, family status or handicap.

While we regret the delay of over three years in implementing Recommendation 37 (a), we acknowledge and recognize the amendment to the Regulation as a meaningful response.

It is our understanding that in the next year, the Ministry of the Solicitor General will be reviewing all other clauses in the Code of Conduct to determine the need for further amendments. We believe the Ministry should consider amending Clause 1(2)(i.2) to include the words "or gesture(s)" after the word "language". We also feel consideration ought to be given to whether Clause 1(2)(i.1) should be amended to add the words "or harasses a person" after the words "police services".

31. The Task Force recommends the Ministry of the Solicitor General amend clause 1(2)(i.2) of the Code of Conduct in the Regulation to the Police Services Act, 1990 to include the words "or gesture(s)" after the word "language".

a) The Task Force further recommends the Ministry of the Solicitor General conduct appropriate research to determine whether Clause 1(2)(i.1) of the Code of Conduct should be amended to add the words "or harasses a person" after the words "police services".

#### Corrective Measures

We believed when the dismissal of an officer was not appropriate, discriminatory behaviour ought to be remedied through

further training. In Recommendation 52 of the 1989 Report, we recommended remedial training courses for officers who have difficulties in addressing race relations issues, and formal monitoring of the performance of such officers following the completion of training.

We are unaware of a direct response to our recommendation for the development of formal monitoring and remedial training for officers exhibiting difficulties in the area of race relations. The lack of a finalized or enacted mandatory race relations policy, discussed in the next section, undoubtedly inhibited such development. We affirm the principle that officers whose performance indicates difficulties in addressing race relations issues, should be identified, formally monitored, and provided with an opportunity for re-education. Discriminatory conduct ought to receive serious sanction if such behaviour persists.

**Reward for Exemplary Service in  
Race Relations and Policing**

In our 1989 report, we expressed our belief that it was important that police be rewarded for exemplary service in race relations and policing. Recommendation 53 proposed the creation of an award for officers who exhibited skill in identifying and addressing race relations issues in the course of their duties. It was proposed that the award be of equal prestige to, and presented at the same ceremony as, other police awards.

To the best of our knowledge, the creation of such an award has not occurred. We feel the lack of response to this recommendation illustrates that the demonstration of skills in identifying and addressing race relations issues continues not to be as valued as other policing skills for which awards are routinely given. The implementation of this recommendation would be virtually cost-free, and would fit within the traditional reward system. Furthermore, such an award would raise the prestige of those officers not previously recognized for advancing race relations issues within police forces.

#### **A Police Race Relations Policy**

In Recommendation 37 (b), we recommended that the Ministry of the Solicitor General, in consultation with the Ontario Association of Chiefs of Police and the Ontario Human Rights Commission, prepare for enactment, a Police Race Relations Policy, similar to the "Ontario Policy on Race Relations", and that policy be adopted by all police forces in Ontario by December, 1989.

After having conducted extensive consultations, the Ministry has developed what it terms a "Final Race Relations Policy and Implementation Strategy for Ontario Police Services". To date, the policy has not been enacted.

We believed that a race relations policy would provide a framework for the manner in which race relations issues would be

integrated and implemented. It was intended to be a blueprint by which all other race relations issues would be addressed within policing services. We feel it is difficult, if not impossible, for police forces to initiate effective in-service race relations training without a formal policy in place upon which such training may be based. The development of remedial training courses and formal monitoring of officers having difficulties addressing race relations issues cannot occur without having in place a race relations policy. We also express concern that the Ministry of the Solicitor General has undertaken other race relations initiatives without having finalized and enacted a police race relations policy.

We believed the development of such a policy would be relatively straight-forward as several examples of race relations policies are in existence. However, in 1992 such a policy has, in fact, not been enacted. We note that on September 29, 1992, the Solicitor General announced that a Race Relations Policy developed by the RRPB will be launched with an implementation strategy in the fall of 1992. It is critical a policy be enacted without further delay.

We take this opportunity to make comments on the policy in its present form. We note the policy refers only to "race" and "colour" as a basis for discrimination. It would be preferable if the grounds for discrimination used were consistent with the Ontario Human Rights Code, 1981, and the wording in the Code of Conduct section on discriminatory conduct for police in the

Regulation to the Police Services Act, 1990. Both use race, ancestry, place of origin, colour, ethnic origin, citizenship, and creed, among other grounds, as grounds for discrimination. Racial discrimination can be perpetrated subtly and by means of a number of such grounds. The policy should clearly and specifically set out each of these grounds to avoid any circumventing of its intent.

We also note the failure of the policy, in its present form, to state clearly the right of communities to be involved in the establishment of policing policies and priorities. While community policing is described in the policy's glossary, it ought to be clearly stated that community policing is an approach to policing based on the community's right and responsibility to participate in the establishment of policing policies and priorities.

Lastly, we are concerned that the wording of the present implementation strategy for the policy may imply that police services boards are not necessarily responsible for the implementation of the policy. The first page of the Policy Implementation Strategy states "The implementation of this policy should originate with the Police Services Board. Specifically the Board should: adopt the policy as a permanent policy of the service ...". We believe the wording of the implementation strategy ought to make clear that the implementation of the policy must originate with police services boards. For a board to delegate this responsibility would weaken the board's authority and accountability with respect to equitable policing practices. The

implementation strategy ought to state "The implementation of this policy shall originate with the Police Services Board. Specifically the Board shall ...".

We have concerns that the Ministry does not appear to have immediate plans to enact the policy and implementation plan by Regulation. We believe the adoption and implementation of a police race relations policy ought to be mandatory for police forces throughout the province. The adoption of a police race relations policy by police services boards throughout the province is consistent with the fundamental principles outlined in section 1 of the Police Services Act, 1990 and, in particular, with the admonition that policing services shall be provided throughout Ontario in accordance with "....the importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code, 1981."

32. The Task Force recommends that the Ministry of the Solicitor General amend its proposed Race Relations Policy so that it is consistent with the Human Rights Code, 1981 and the Code of Conduct under the Regulations to the Police Services Act, 1990 in its identification of grounds for discrimination.

- a) The Task Force further recommends the policy set out clearly the right of the community to participate in the setting of policing policies and priorities.
- b) The Task Force further recommends the Ministry of the Solicitor General prepare the amended Race Relations Policy for immediate enactment by Regulation to be adopted by all police forces in Ontario.

### COMMUNITY POLICING

Recommendations 38, 39, and 40 of the 1989 Task Force report dealt specifically with community policing.

#### **Development of a Community Policing Model**

Task Force Recommendation 38 requested the Solicitor General to select community policing models appropriate for Ontario police forces and to convince governing authorities and police forces to commit resources to community policing by January 1991.

We believe that the Policy Development and Co-ordination Branch of the Ministry of the Solicitor General was given responsibility for playing a lead role with respect to the implementation of Recommendation 38. The Branch compiled a community policing manual. The introduction in the manual states the materials in it were prepared in an attempt to "provide direction to the development of contemporary policing".

We note that the Ministry, through a single staff person, has in the past provided, and continues to provide, some facilitative support to police forces which express an interest in community policing.

There is a wealth of material available for research. It is necessary that the Ministry provide training for senior police

officers to encourage an understanding of, and a commitment to, the concept of community policing.

It is our view that the materials in the community policing manual, which were begun prior to our 1989 deliberations, when measured as a response to the intent of our recommendations, fail to provide police forces with adequate direction for the revolutionary change which we believed would occur with the adoption of appropriate community policing models by police forces in Ontario. We feel that the materials, while providing examples of partnership building between police and racial minority communities, will not provide police forces with direction on how to foster actual partnerships with the communities. The materials do not adequately emphasize the need for communities to have significant input in the setting of policy and priorities by police forces.

In addition, we have serious concerns that the materials in the community policing manual do not include race relations components. We question whether there is a fundamental commitment on the part of the Ministry to the need and inclusion of race relations issues in its community policing approach. Without the explicit inclusion of race relations in any community policing strategy, fully realized productive relations between the police and racial minority communities can never be built. The Task Force views the lack of race relations content as a serious underestimation of the significance of this issue.

We express disappointment with community policing initiatives taken by the Ministry. We believe that although community policing is an obligation of the chief of police under the Police Services Act 1990, and is referred to as a philosophy in Ministry materials, it is still viewed by the Ministry as a program, as opposed to the overall premise upon which contemporary policing is based.

It appears that community policing initiatives, whether pre-dating or post-dating the 1989 Task Force Report, were given a low level of priority within the Ministry. Although responsibility for community policing has recently moved to Policing Services Division, in the Police Support Programs Branch, we are not convinced that it is positioned at a sufficiently senior level in the Ministry, or that adequate resources have been committed to assisting police forces in engaging in an active process of implementing community policing. Community policing must become a Ministry priority. The Ministry must demonstrate its own commitment to, and command of the concept of community policing if it is to achieve the credibility required for the leadership mandated by the Police Services Act, 1990.

We are concerned about the view we heard expressed that the 1989 Task Force Report may have been interpreted as advocating a "soft" approach to policing centred on promoting harmony, as opposed to an approach centred on developing police and community partnerships in which the community has both the right and responsibility to assist in the development of policies and priorities. A careful reading of our 1989 Report should establish

that it was our belief that community policing was dependent upon such partnerships, and was integral to creating sound and productive relations between the police and the racial minority population of Ontario. We are unable to accept such an interpretation of the Task Force recommendation as a rationale for what we view as an inadequate priority and resource commitment to community policing by the Ministry. The result is disappointing. The Ministry, police services boards and police must stop referring to community policing as "soft" policing. It is a successful policing strategy which, in cooperation with the community, deals with causative factors of crime.

We wish to make clear at this time what we believe community policing to be. Community policing is a voluntary and cooperative partnership between the police and the community, in their common effort to identify community needs and to develop mutually a comprehensive response to those needs. It gives all communities the opportunity to understand that each community and its cultural and racial representation is different and will require a different policing response to the problems it particularly experiences.

Community policing is an administrative and operational function which supports and reflects legislative and community requirements. It permits and encourages the community to become jointly responsible with the police for public order and safety.

Community policing will never occur until police management

changes from a regulatory and autocratic environment, which is authority centered at headquarters, to a participatory style of management, with significant decision-making authority decentralized to those in lower ranks who actually deliver policing services to the public.

In order for community policing to succeed, an organizational environment must be created so that individual, entrepreneurial, visionary and sensitive initiatives can be developed and implemented. Of paramount importance to the success of community policing is a need to change the policing attitudes of its leaders. In support of concepts outlined in the principles of the Police Services Act, 1990, police services boards must assign their chiefs of police the responsibility of ensuring that the organizational design and environment supports the obligations of the Act.

We note the announcement on September 29, 1992 by the Attorney General of the Commission on Race Relations in Criminal Justice which is directed in its Terms of Reference as follows:

"1...

...

... (c) Inquire into, report and make recommendations on the policies of the Ministry of the Solicitor General with respect to community policing and inquire into, report and make recommendations with respect to the implementation of community policing in Ontario, including existing community policing models being utilized by police services boards."

We view this function of the Commission as reinforcing our insistence of the importance of community policing. As Stephen Lewis said, "community policing in its fullest sense ... that is police and community working cooperatively together ... may be the best way to adapt to a multicultural and multiracial society". We believe this duty of the Commission will be of great benefit to the Ministry of the Solicitor General.

To emphasize clearly our belief in, and commitment to community policing, and to assist the Ministry in providing leadership for the contemporary policing required for present needs, including ensuring confidence of racial minorities in police, we propose re-naming the Division within the Ministry which has direct responsibility for support of police forces, and providing that Division with appropriate responsibilities. If the proposed Police Education and Training Division is created, an excellent opportunity would exist for directing the remaining functions of the present Policing Services Division into a framework which could be a vigorous means of developing and implementing community policing throughout Ontario.

33. The Task Force recommends that the Policing Services Division of the Ministry of the Solicitor General be assigned responsibility, and be properly resourced to provide the Ministry with the capacity to articulate and promote effectively the community policing philosophy as it is embodied in the shift of focus from the Police Act to the Police Services Act, 1990.
  - a) The Task Force further recommends Policing Services Division be renamed Community and Policing Services Division.
  - b) The Task Force further recommends that a Community Policing Branch be created within the Division with a Director

responsible and accountable for the advancement of community policing throughout Ontario.

#### Grants Program

We also note that another response to Recommendation 38 was the development of a Grants Program within the Police and Community Relations Branch of the RRPB. The Grants Program was designed to enhance community and police relations by forging partnership projects between police forces and racial minority communities. We have been advised that between 1990 and September, 1992 seventeen projects were funded.

We are aware of some meaningful projects which have been funded through this program. However, we believe that no evaluation of the effectiveness of this approach in relation to the on-going development of improved community and police relations has yet been undertaken. We also note that the Police and Community Relations Branch of the RRPB has suffered serious staff cuts. If the program proves to be an effective catalyst for positive change, then it should be appropriately funded and staffed.

34. The Task Force recommends that there be an evaluation conducted of the effectiveness of the Grants Program in developing improved community and police relations and that if this approach proves to have been effective, the Grants Program be appropriately funded and staffed.

### **Outreach Programs**

Recommendation 39 proposed that police forces institute or expand outreach programs in which police officers regularly attend schools, citizenship classes, and organization meetings in the community to explain their role and function to community members. It was further proposed in Recommendation 39(a), that the Solicitor General petition the Minister of Education to ensure that Ontario Boards of Education institute changes in the curriculum at all levels to provide sound instruction in matters of law enforcement, legal rights, and the promotion of racial and cultural understanding and tolerance. We cannot determine whether Recommendations 39 and 39(a) have been implemented.

### **Medal for Outstanding Service in Community Policing**

Recommendation 40 envisaged the creation of an achievement medal for outstanding service in community policing. We do not believe this Recommendation was implemented.

### **RACE AND ETHNIC RELATIONS UNITS**

Recommendations 41 to 46 dealt with Race and Ethnic Relations Units of police forces. Recommendation 41 requested the Ministry of the Solicitor General to encourage all police forces to establish race and ethnic relations units when the racial minority

population so warranted. It also requested the Ministry to prepare and publish guidelines as to the composition and function of such units. It was felt that, at a minimum, each police force should assign responsibility for the unit to a senior officer.

Recommendation 42 set out that such units ought to be staffed by officers transferred from various sections of the police force, and officers should be periodically rotated. It was recommended that civilian members of the force ought to supplement some officers on these units.

Recommendation 43 set out the need for chiefs of police to select officers and civilians for race and ethnic relations units on the basis of their interest in, and aptitude for, community policing as it relates to racial minorities, and that these officers and civilians be provided with extensive training in negotiation, crisis intervention, race relations and culture-specific knowledge.

Recommendation 44 requested police forces, in consultation with the Ministry of Citizenship, to conduct a demographic survey of their jurisdiction to determine the size and nature of the racial minority population which they are policing.

Recommendation 45 proposed that race and ethnic relations units become central to police force operations, and report directly to the chief or deputy chief of police. Recommendation 46 urged that the work of officers within race and ethnic relations

units receive positive consideration in the promotional process, and that such units be staffed with some officers of a rank higher than constable.

On the limited data we were able to compile from our questionnaire distributed to all police forces in the province, few have established or redesigned race and ethnic relations units in a manner which is in keeping with Recommendations 41 to 46. It does not appear that the Ministry has prepared and published guidelines as to the composition and function of such units. To our knowledge, race and ethnic relations units in existence generally do not report directly to the deputy or chief of police.

In spite of our perception that little action has been taken on these series of recommendations over the past three and one-half years, we reaffirm our original view that if race and ethnic relations units are to exist, they be given a more substantial role in police forces, as opposed to being used as a mere public relations device.

The Task Force is aware that within policing circles it is generally recognized that most senior police executives have had career paths which include rotations in criminal investigations and other traditional units. If race and ethnic relations units are to continue to exist, then until service in them is well valued for promotional purposes, racial minority and other officers who serve in them must receive exposure to balanced experience, including the

traditional branches of police operations which have historically provided the base for progressive career development. We are convinced that representation in senior policing positions will have a significant impact on racial minority perceptions of policing as an accessible institution. Such representation, in conjunction with properly instituted community policing, will do more to improve race relations, than simply implementing race and ethnic relations units.

Perhaps the time has come for serious consideration to be given to a thorough re-examination of the need and usefulness of such units. There is a danger that the existence of race relations units can operate to marginalize race issues and to permit other branches of a police force to depend on them to the exclusion of themselves becoming effective participants in improved race relations.

35. The Task Force recommends that the Ministry of the Solicitor General, in cooperation with police services boards and chiefs of police, conduct an evaluation of the form, function, and usefulness of race and ethnic relations units.

#### COMMUNITY CONSULTATION AND RACIAL MINORITY ADVISORY COMMITTEES

Recommendations 47 to 49 of the 1989 Report addressed the need for community consultation committees and racial minority advisory committees. In Recommendation 47, we proposed that by April, 1990, the Solicitor General, in concert with the Minister of Citizenship,

convince police governing authorities and chiefs of police to establish and fund local community consultation committees, comprised of police and members of the community, to discuss matters of mutual concern. It was noted membership in such groups should be reviewed regularly to ensure representation fully reflects the community's racial minority population.

The Ministry responded to recommendation 47 by commissioning a study on community relations which was completed in July, 1991 and entitled "Effective Models of Police Community Committees". We have been advised that an accompanying educational video is required before dissemination of the report can occur.

We commend the report which we understand was developed after considerable consultation. We also welcome the suggestions and strategies in the report which support the inclusion in community consultation committees of persons from the community who have been traditionally excluded from police partnerships.

The report is critical to proper establishment of community consultation committees, and ought to be available quickly to both police and the community.

Our data suggests that with respect to police forces, much work has been done to establish community consultation committees. We are concerned at the lack of funding and direction for the establishment of such committees. They are essential to ensuring that police and community partnerships of value exist in which the

community can have a significant role in establishing policies and priorities for policing services.

In Recommendation 48 the Task Force suggested that the Solicitor General, in consultation with the Ministry of Citizenship, host annual regional symposia for community consultations committees to exchange and compare experiences.

While a symposium for community consultation committees has been planned by the Ministry of the Solicitor General, it has not taken place.

Recommendation 49 called for the chiefs of police of forces with more than 100 members, whose communities were identifiably racially diverse, to establish racial minority advisory committees to discuss issues or concerns which affect the force and the racial minority community. We have seen little evidence of the establishment of racial minority committees.

#### CRISIS RESPONSE MECHANISMS

In 1989 we addressed the need for the creation of adequate crisis response mechanisms. The Task Force noted that the turmoil following the deaths of two Blacks, Lester Donaldson and Michael Wade Lawson, illustrated the failure of institutions to respond effectively to the concerns and questions of the community. The result was an expression of community outrage, institutional

defensiveness and a severely disturbed race relations climate.

Recommendation 50 asked that the Solicitor General, in consultation with other Ministries and named affected groups develop a crisis response mechanism for adoption and use by government, police institutions and community organizations.

No crisis response mechanism has been developed by the Ministry of the Solicitor General.

As was the case in 1989, the Task Force was reconstituted in 1992 after a series of crises in community and police relations. The dissatisfaction, frustration and anxiety of racial minority communities in terms of their interactions with police were expressed vigorously. The deep sense of urgency which led to the recommendation for the development of crisis response mechanisms in 1989, has intensified today. We urge the Ministry to act promptly to implement Recommendation 50 of our 1989 report.

#### MEDIA RELATIONS

In 1989 we noted that police sometimes damaged their relationship with racial minorities by publicizing information about crimes and charges in a manner which created or fuelled negative attitudes about an entire group. Therefore, in Recommendation 51 of our 1989 report, we proposed that media relations units within police forces, with the approval of their

police governing authority, develop a policy with respect to the release of information relating to race and crime. We specifically recommended that the race or colour of an accused should never be publicized, and that the racial characteristics of a particular suspect should only be referred to if doing so was an investigative requirement.

Based on limited questionnaire responses we received, it appears that the majority of police forces have not developed such a policy.

We continue to believe that police forces should develop a policy with respect to the release of information relating to race and crime. Further, we believe that the development of such a policy is so critical to the creation and maintenance of good relations between police and racial minorities that its incorporation into any race relations policy prepared by the Ministry or adopted by police forces should be a requirement. We believe that country of origin should be added to our original recommendation. We regret the lack of progress in the implementation of Recommendation 51 of our 1989 report.

36. The Task Force recommends that the race relations policy of the Ministry of the Solicitor General to be enacted include a statement consistent with Recommendation 51 of our 1989 report and that in addition to race and colour, country of origin of a suspect only be referred to when it is an investigative requirement.

# **Special Investigations Unit**



SPECIAL INVESTIGATIONS UNIT

BACKGROUND AND TASK FORCE RECOMMENDATIONS (1989)

Our 1989 Recommendation 36 stated:

"The Task Force recommends that the Solicitor General create an investigative team to investigate police shootings in Ontario. That team should be comprised of homicide investigators chosen from various forces other than the force involved in the shooting, together with at least two civilian members drawn from government investigative agencies, independent of the Ministry of the Solicitor General. When warranted, criminal charges should be laid within 30 days of commencing the investigation, except when special circumstances justify extensions".

We were prompted by persistent public outcry as to the perceived lack of impartiality of police investigating police shootings of civilians, and, of course, were mindful of the particular concern expressed by racial minority communities. It had become clear that the existing practice of a police force investigating itself, or another force conducting that investigation in determining whether criminal charges were appropriate, was simply unsatisfactory and not publicly seen as independent or legitimate.

We limited our recommendation to investigations of police shootings because our mandate involved relations between racial minorities and police, and it was clear that it was the issue of police shootings which was most contentious and the subject of greatest demand for independent criminal investigation.

CREATION OF THE SPECIAL INVESTIGATIONS UNIT

The Special Investigations Unit of the Ministry of the Solicitor General was created in response to this public demand. Its structure, mandate and authority are established in Part VII of the Police Services Act, 1990. The Unit differs markedly from the process which was recommended by the Task Force.

The Special Investigations Unit was created as an entirely civilian unit. No investigator in the Unit can be a serving police officer, and the Director of the Unit cannot be a police officer or former police officer. The legislation either permits the Director, at his or her own discretion, or requires the Director, at the request of the Solicitor General or Attorney General, to "cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offenses committed by police officers".

The Director and investigators of the Unit are peace officers and the legislation empowers the Director to cause informations to be laid against police officers, if in the opinion of the Director, reasonable grounds to do so exist. Members of police forces "shall co-operate fully with the members of the unit in the conduct of investigations".

Stephen Lewis, in his report to the Premier, described difficulties experienced by the Unit and specifically recommended:

"by October 1, 1992, the Special Investigations Unit should be removed from the aegis of the Ministry of the Solicitor General, and be refashioned as an arms-length agency reporting to the Attorney General. It must have adequate funding to ensure a totally independent investigative capacity and the achievement of that capacity should be the focus of its work in the immediate future".

On September 29, 1992 the Attorney General announced the transfer of the Special Investigations Unit from the Ministry of the Solicitor General to the Ministry of the Attorney General as an arm's length agency. That announcement stated that the Attorney General will be able to issue binding directives to the Unit on policies and procedures, and those directives will be made public.

#### Investigators

In 1989 we argued that the skills of the best criminal investigators available were necessary to provide the expertise required for proper investigation, and if appropriate, prosecution of police shootings. We said that the best criminal investigators available were serving police officers and that such officers should be selected for these investigations. We recommended that they should be teamed with civilian investigators to provide the balance and degree of independence required for public confidence. It was our view that civilian investigators could not gain the required expertise to perform these investigations alone within a reasonable time.

Some community members have objected to the use of serving

police officers. Stephen Lewis was persuaded that they were necessary if the Unit were to be effective. The Task Force continues to maintain that, at least until civilian investigators can be thoroughly trained, top grade seconded police officers must be permitted to be used by the Unit. We believe that approach together with the appointment of a civilian director and the complementary use of civilian investigators will provide both the expertise and the publicly credible independence needed by the Unit.

The Attorney General has announced that the Police Services Act, 1990 will be changed to allow police officers to be seconded as Special Investigations Unit investigators until enough civilian investigators are trained. Further, seconded officers will not participate in investigations affecting officers from the force from which they are seconded. Seconded officers will be required to have race relations training, and to take sole direction from the Special Investigations Unit.

We endorse this position. We encourage the Ministry of the Attorney General to conduct extensive community outreach in explanation and support of the need for the use of seconded police officers in the Unit.

#### **Mandate of the Unit**

A very serious problem for the Unit in its short history has

been caused by the combination of limited resources being granted to it and the rather extensive mandate legislated for it. We believe that it was funded as if it were limited in its role to investigation of police shootings, which are relatively few, while it was given a legislative mandate which permitted it to investigate a much broader scope of police actions, covering serious injuries and deaths that may have resulted from criminal offenses committed by police officers. The breadth of its mandate has inevitably drawn the Unit into many more investigations than its funding and staffing could reasonably accommodate. It has investigated a great many high speed chase incidents and cases of a wide variety of non-shooting injuries alleged to have occurred at police hands. The Unit has recently indicated it may become involved in investigations of allegations of sexual assault by police officers.

Any agency is eventually obliged to operate to the limits of its legislated mandate. We believe that the government must clearly address this issue of the expected breadth of jurisdiction of the Special Investigations Unit. If it is intended to act in matters which are far beyond the police shootings which the Task Force identified as critically in need of independent, skilled investigations, then it must be provided the resources to enable it to do so effectively. In a sense, we are urging that government keep in mind the genesis of the creation of the Unit. Its roots were in the need, identified particularly, but not exclusively, by racial minority communities, for independent criminal investigations of police shootings. Whatever the scope of

jurisdiction of the Unit, it must have public credibility in its investigations of police shootings. If its jurisdiction remains wide, and its resources remain inadequate, that critical function will suffer and be the subject of severe public criticism. In a very real sense, government must decide what public need is to be met by the Special Investigations Unit in the context of what resources the government can afford, and address that decision with clearly defining legislation and appropriate funding that will permit the Unit's intended work to be done well.

37. The Task Force recommends that the jurisdiction of the Special Investigations Unit be more clearly defined and the funding and resources available for its operation be commensurate with that jurisdiction. The jurisdiction of the Unit and the allocation of resources in support of that jurisdiction must be closely matched.
  - a) The Task Force further recommends if the resources in support of the Unit are not granted sufficiently to meet its present mandate, the jurisdiction of the Special Investigations Unit be limited to the conduct of investigations into the circumstances of any police shooting causing injury or death, or of any other police use of force causing death.
  - b) The Task Force further recommends that the Special Investigations Unit should use civilian investigators to work in partnership with seconded police officers. No seconded police officer and no other Unit investigator should be permitted to participate in an investigation that relates to members of a police force of which he or she is, or was, a member.

# Monitoring



MONITORING

In 1989 we considered monitoring to be the most significant issue in our Terms of Reference and reported accordingly. Recommendations 1 through 5 of our 1989 report dealt with monitoring. In particular, we recommended the creation of the Ontario Race Relations and Policing Review Board. This recommendation was not accepted, and many of our related recommendations were not acted upon.

In his report to the Premier, Stephen Lewis recommended:

"By September 1, 1992, a community-based Monitoring and Audit Board be established, to work in conjunction with the Race Relations and Policing Unit at the Ministry of the Solicitor General. In collaboration with police forces and municipalities, a systematic audit of police Race Relations policies be pursued to the extent and in the number that appears reasonable in any given year."

In response to our present mandate, we provided the Solicitor General an interim report on Monitoring on August 17, 1992 in which we recommended the establishment of a Race Relations and Policing Monitoring and Audit Board. That interim report is included in Appendix "C". On September 29, 1992, the Solicitor General announced the establishment of the Race Relations and Policing Monitoring and Audit Board and stated:

"The Board will identify police services to be audited in a given year, and will advise the Solicitor General on emerging issues related to race relations and policing.

- Actual audits will be carried out by the Ministry's Police Support Program Branch, and will be conducted simultaneously into

police management and race relations. Auditors will have race relations expertise.

- Audits will focus on the interaction of police and racial minorities in recruitment, employment, training, community relations, public complaints, media relations, code of conduct, adherence to race relations policies and access to services.
- The Board will review and follow-up on action plans developed by police services boards in response to audits. It will report both directly to the Solicitor General and to the public as required."

We commend the Ministry for the initiative. The need for monitoring is acute, and will always be essential. The need for public awareness of objective assessment of police and racial minority relations will be ongoing. We suggest that the Ministry permit this Board to provide it, and the public, with initial assessment and ongoing evaluations of Ministry initiatives in race relations and policing, as a means of accountability for achieving success in its related goals.

The Task Force is concerned that the Board may not be permanently funded, and that it may have received funding only for a three year period. If so, we fear essential ongoing monitoring may not occur. The Task Force urges the Ministry of the Solicitor General to state whether the Board is intended to be permanent or whether it has received only temporary funding, and if so, why. If the Board is not intended to be permanent, the Ministry should indicate what alternative is intended for fulfilment of its functions on an ongoing basis.

38. The Task Force recommends that the Ministry of the Solicitor General state whether the Race Relations and Policing Monitoring and Audit Board is intended to be permanent or temporary and, if temporary, what alternative is intended for fulfilment of its functions on an ongoing basis.



# Use of Force



USE OF FORCE

In 1989, issues of use of force formed a major part of the Task Force report. Our Recommendations 25-35 dealt with use of force matters. Recommendation 36 dealt with post police shooting investigations and is discussed in this report in the chapter entitled "Special Investigations Unit".

In response to our present mandate, we provided to the Solicitor General an interim report on Use of Force on August 10, 1992. It is included as Appendix "B". Also appended is the announcement by the Solicitor General on September 4, 1992, of the amendments to be made to the use of force Regulations under the Police Services Act, 1990.

We consider these amendments, supported by increased periodic training for police officers to be an excellent response to both our 1989 and 1992 recommendations. The Task Force commends the Ministry for these essential and significant changes.

We do note that the Regulations will be more permissive in requiring the filing of use of force reports than many police forces demand at present. The Regulations will only require the filing of such reports in the case of "an injury requiring medical attention". We suggest that the Ministry state to police forces that the Regulation provides only a minimum standard, and does not interfere with the right of an individual police force to obtain reports in the case of any use of force or of any use of force

resulting in injury.

Further, we note that officers will be permitted to draw handguns or discharge firearms in defence of life or serious bodily harm. We had recommended that "serious bodily harm" not be included in the Regulation. We suggest that the Ministry monitor the drawing of handguns and discharge of firearms to ensure that no trend of inappropriate use develops.

## Related Issues



**PUBLIC COMPLAINTS**



PUBLIC COMPLAINTS

In 1989 the Task Force did not make any specific recommendations in relation to public complaints about police conduct. However, we did note that while public complaints did not form part of our express mandate, a great many persons who presented to us insisted on speaking to the issue.

In response to these presentations we said:

"The Task Force does wish to state that its public hearings throughout the province suggest a considerable need for a consistent approach by government to the issue. It is patently obvious that a publicly credible, accountable and independent civilian mechanism for public complaints is basic to responding to allegations of racial intolerance or other misconduct by all police.

There appears to be much disparity in, and little independent assessment, monitoring or review of police controlled complaints systems throughout most of Ontario. There is considerable demand and need for an accountable, independent and civilian standardization of the process ...".

The Government of Ontario addressed this issue directly in Part VI of the Police Services Act, 1990. Since December 31, 1990 the jurisdiction of the Police Complaints Commissioner, formerly restricted to dealing with complaints about the Metropolitan Toronto Police and its officers, has been expanded to every police force and officer in the province, with the exception of First Nations Constables.

The Office of the Police Complaints Commissioner is now regionally deployed throughout the province, with offices in

Thunder Bay, Sudbury, Ottawa, Peterborough, Mississauga, Windsor and Metropolitan Toronto. All members of the public in Ontario have access to the same process for disposition of their complaints about police conduct, and every police officer in Ontario is subject to the same responsibilities and granted the same rights in the operation of the system.

In his report to the Premier, Stephen Lewis recommended:

"By October 1, 1992, amendments to the Police Services Act be introduced to transfer the initial investigations into complaints of racially discriminatory conduct from the public complaints bureau of a police force to the Police Complaints Commissioner, and require the Police Complaints Commissioner to review the disposition by the chief of police of all such cases."

On September 29, 1992, the Attorney General announced:

"All public complaints of racial discrimination by police officers will now go to the Police Complaints Commissioner for initial investigation. Currently, the initial investigation of such complaints generally is the responsibility of the police service that is the subject of the complaint."

The success of this initiative will depend upon the granting of adequate resources to the Office of the Police Complaints Commissioner.

## **FIRST NATIONS PEOPLES**



FIRST NATIONS PEOPLES

In Aboriginal People and Justice Administration: A Discussion Paper (September, 1991) the Minister of Justice and Attorney General of Canada, Kim Campbell, stated that, "It has become undeniable that our system of justice is not working for aboriginal people." This acknowledgement follows numerous studies and reports over the years pointing out the failure of the system to deliver justice to Native people.

A recent comprehensive study, completed over a span of three years, is the Aboriginal Justice Inquiry of Manitoba. In their August, 1991 report, the Commissioners of the Inquiry concluded that "the justice system has failed Manitoba's Aboriginal people on a massive scale", and in recommending how to rectify this situation, stated the following:

"We believe that incremental changes in the justice system cannot adequately address the problems that exist. We believe that the establishment of Aboriginal justice systems is the only appropriate response to the systemic problems inherent in the existing system that have given rise to extraordinarily high rates of Aboriginal people in the courts and in jail in recent years. It offers the logic of redressing in a significant way the wrongs inflicted on Aboriginal people by a foreign, unknowledgeable and insensitive system"

This view is echoed by such disparate groups as the Micmac of Nova Scotia in the 1990 report entitled Mi'kmag Response to the Report of the Royal Commission on the Donald Marshall, Jr. Prosecution, and the Law Reform Commission of Canada in its December, 1991 Report on Aboriginal Peoples and Criminal Justice.

The Micmac, through the Union of Nova Scotia Indians, urged the federal and provincial governments to establish with the First Nations a process of building community based justice systems. The Micmac leadership recommended that the community based systems be founded on Aboriginal principles of non-adversarial justice.

The Law Reform Commission of Canada recommended that, "Aboriginal communities identified by the legitimate representatives of Aboriginal peoples as being willing and capable should have the authority to establish Aboriginal justice systems. The federal and provincial governments should enter into negotiations to transfer that authority to those Aboriginal communities."

In Ontario, the Osnaburgh-Windigo Tribal Council Justice Review Committee in discussing the administration of justice in the Report of the Osnaburgh-Windigo Tribal Council Justice Review Committee (July, 1990) recommended that, "The general goal ought to be to encourage and financially support First Nations in their aspirations to develop aboriginal justice systems suitable to the needs of their communities."

The one recommendation of the Task Force pertaining specifically to Native people was Recommendation 54:

"The Task Force recommends that the Government of Ontario initiate, in conjunction with the Government of Canada and representatives of Native people, the establishment of a tri-partite task force for the purpose of studying the feasibility and necessary structures and processes of Native justice systems in Ontario, and recommending

working models thereof as pilot projects, and that this tri-partite task force be created and operational within one year of the filing of this report of the Race Relations and Policing Task Force."

This recommendation recognized, as did the previously cited reports, that the solution to the grave and long standing problems with the justice system experienced by Native people would not be found through further tinkering with the various components of the system.

The challenge presented is to view the criminal justice system as a whole. Because of the different ministries and jurisdictions involved, this view does not prevail at the government level. However, communities see it. It is only within this holistic view that an aspect of the justice system such as prevention can take its rightful place. The recommended tri-partite task force would serve to coordinate the efforts of individual ministries with regard to Aboriginal justice projects and would promote the consideration of Aboriginal justice systems as a whole. The establishment of the task force would serve to coordinate the efforts of the federal and provincial governments concerning Aboriginal justice systems and would make these efforts widely known. The tri-partite task force would rationalize the selection and funding of pilot projects and would demonstrate the commitment of all parties involved to the development of Aboriginal justice systems.

A strong supporter of recommendation 54 has been the Ontario Native Council on Justice. The Council is composed of

representatives from six major Native organizations in Ontario. As well, two inmates of correctional institutions may serve on the Council as voting delegates. Decisions of the Council are arrived at by consensus. The Council has carried out its work in the area of criminal justice and Aboriginal people since 1975. Recommendation 54 was supported by the Ontario Native Council on Justice in a Council motion in 1989, and has continued to be supported by it.

The recommendation, however, has not been implemented.

The position of the government of Ontario, as stated by the Minister Responsible for Native Affairs, is that "Ontario has moved beyond the necessity of establishing such a task force", citing self-government negotiations and pilot projects underway.

Under the current arrangements, however, it is the government of Ontario that decides which Native justice projects will receive funding and will therefore proceed. It has been argued to us that the decision as to which of the projects submitted goes forward is not made in partnership with Aboriginal organizations, and that the criteria for the selection of pilot projects have not been developed in partnership with Aboriginal organizations. The current process overall does not reflect the government to government relationship described in the Statement of Political Relationship between the government of Ontario and the First Nations. The present role of the government of Ontario in the selection and funding of Native justice pilot projects has prompted

one Aboriginal representative to comment that the Ontario government is actually "steering the course of Aboriginal justice."

39. The Task Force again recommends that the Government of Ontario initiate, in conjunction with the government of Canada and representatives of Native people, the establishment of a tri-partite task force.

a) The Task Force further recommends that the purpose of the tri-partite task force be as follows:

- i) to assess the information available on the feasibility, necessary structures and processes of Native justice systems in Ontario;
- ii) to undertake further studies as required to complete the information;
- iii) to identify and assess the level of resources currently devoted to the development of Native justice systems;
- iv) to develop criteria for the funding of Native justice system pilot projects;
- v) to review and determine the priority of pilot projects at present submitted to government and awaiting funding;
- vi) to develop a formal process for the funding of future pilot projects of Native justice systems.



**POLICE SERVICES BOARDS**



POLICE SERVICES BOARDS

**Task Force Recommendations - (1989)**

In 1989 the Task Force made three recommendations pertaining to then named police commissions. The Police Services Act, 1990 renamed police commissions as police services boards.

**Composition of Boards**

Recommendation 55 set out the need to ensure that membership on local police commissions reflected the diversity of the community being served, and that there existed adequate racial minority representation on each commission. The Task Force specifically recommended that the Solicitor General ensure such representation existed.

We believe the present Ontario government has in place appointment mechanisms to ensure boards and administrative tribunals are representative of the communities they serve. It is noted that these mechanisms cannot address the appointment of council members sitting on police services boards.

It is important that when vacancies exist, they be filled quickly to enable each police service board to realize its potential fully.

We continue to believe and restate our view that adequate

racial minority representation on police services boards is essential to infuse representative community direction into police services.

### **Board Powers and Duties**

Recommendation 56 proposed a clear delineation of board powers, together with residual authority in the Solicitor General. Specifically, we recommended that the Police Act be amended to define the role, authority and responsibilities of boards, and that the Solicitor General be granted a residual power to assume that role, authority and responsibility in respect of any matter about which the board had abdicated its statutory obligations.

Section 31(1) of the Police Services Act, 1990, outlines that, "A board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality ...". Section 31(4) sets out that the board shall not direct the chief of police with respect to specific operational decisions or with respect to the day to day operation of the police force.

Following the broad statement under Section 31(1), ten specific duties are assigned to boards. The board must determine generally, in consultation with the chief of police, the obligations and priorities with respect to police services. It must establish policies for the effective management of the police

force. It must recruit and appoint the chief and any deputy chief, and direct and monitor the performance of the chief of police.

The board is further required to establish an employment equity plan in accordance with legislation and Regulations, review the plan's implementation and receive regular reports from the chief of police on the implementation of that plan. It also has responsibility to establish guidelines for the administration, by the chief of police, of the public complaints system, and to review the administration of the public complaints system and receive regular reports from the chief of police on the system. The board must also receive reports on secondary activities of police officers, and establish guidelines with respect to indemnification of members of police services for legal costs. It also has responsibility for appointing members of the police force.

The specific duties which are clearly defined under the Police Services Act, 1990 were not outlined under the former Police Act. We believe that this better definition has clarified and enhanced board authority and its relationship with the chief of police. It is an excellent response to the first section of Recommendation 56.

It is apparent that the community will be better served when boards and chiefs of police have a better understanding of the roles of each. Such understanding can lead to an atmosphere of competence in future design of strategies and programs in policing.

Although the boards under the present Act have clearly defined

duties, we note that there does not appear to be in place a systematic means by which board members undergo extensive training to provide a clear understanding of their duties and responsibilities. Section 31(5) of the new Act does require boards to ensure that their members undergo any training that the Solicitor General may provide or require.

The Ministry of the Solicitor General provided a number of training sessions on employment equity for board members. In addition, through a grant provided by the Ministry, the Ontario Association of Police Services Boards has delivered two training modules, one involving a general orientation to the role of police services boards, and the other on media relations and strategic planning. Ministry representatives were in attendance, and participated in the training sessions. While acknowledging the need for, and benefit of, the above-noted initial training, we believe that more extensive and frequent training must take place.

We note the comments found in the Report of the Ontario Civilian Commission on Police Services on its Inquiry into the Administration of Internal Investigations by the Metropolitan Toronto Police Force (more commonly known as the "Junger Inquiry"). The Commission stated that testimony at the Inquiry indicated considerable confusion and misunderstanding with respect to the role of police services boards. It was stated,

"The Solicitor General of Ontario should implement an educational program for members of Police Services Boards across Ontario to ensure they are apprised of their authority and responsibilities. This is an opportune

time for the training of all Board members, given that a new Police Services Act came into effect only last year".

We support this recommendation. Its implementation is particularly critical with the strengthened authority of boards under the Act. For boards to take an independent and authoritative approach in the governance of police forces, their members require extensive training. However, we understand that existing funding allocated for training of police services board members is in danger of being cancelled. We deplore the possibility of such action and state unequivocally that if the Ministry of the Solicitor General wishes the fundamental principles of the Police Services Act, 1990 to be translated into police reality, it will only occur if adequately trained members of the police services boards are fully capable of exercising their authority.

40. The Task Force recommends the Ministry of the Solicitor General take immediate steps to ensure adequate resources are committed to developing prescribed standards of service relating to police services boards.

- a) The Task Force further recommends the Solicitor General establish, adequately fund, and deliver further enhanced, and more frequent, training programs for police services board members.
- b) The Task Force recommends that anti-racism and diversity training be mandatory for all police services board members throughout the province.

41. The Task Force recommends the Ministry of the Solicitor General include in its police force inspections, an audit of whether police services boards are complying with roles and responsibilities outlined in Section 31 of the Police Services Act, 1990. If such roles and responsibilities are not being complied with due to a lack of resources, it is recommended the Ministry

of the Solicitor General provide adequate support to police services boards in order that boards may fulfil their legislative duties and responsibilities.

Task Force Recommendation 56(a) called for the amendment of legislation to grant the Solicitor General a residual power to assume the role, authority and responsibilities of police governing authorities when the board abdicated its statutory obligations.

Section 23 of the Police Services Act, 1990, addresses this recommendation. Upon holding a hearing in accordance with Section 23 of the Act, and concluding that a board or a municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services, or has failed to comply with the requirements of the Act and Regulations respecting employment equity, the Ontario Civilian Commission on Police Services (the "Commission") may suspend or remove a board member or a whole board from office and appoint an administrator to perform specified functions with respect to police matters in a municipality for a specified period of time. The Commission may hold a hearing if the Solicitor General advises the Commission that a board is not complying with prescribed standards of police services or with the requirements of the Act and Regulations respecting employment equity plans.

As such, a residual power to assume the role, authority and responsibilities of a board does not lie directly with the Solicitor General. However, the Act provides a due process model in which the failure to meet prescribed standards could result in

the suspension and replacement of board members and the appointment of an interim administrator to perform specified functions when a hearing is held under Section 23.

We believe that Section 23 of the Act is a full and proper response to Recommendation 56(a).

#### **Distancing Boards from Police Forces**

In our recommendations on police governing authorities, we also stressed the provincial government's obligation to provide funding assistance to police services boards to enable boards to distance themselves from police services in both perception and reality.

Recommendation 57 proposed the amendment of the Police Act to provide that the Chairs of boards be appointed directly to the position of Chair by the Lieutenant-Governor in Council on the recommendation of the Solicitor General. This recommendation was not accepted. So long as the majority of members of boards are provincially appointed, the matter is perhaps not significant. We had intended to make certain the Ministry's influence on boards.

In part (a) of recommendation 57, we recommended that boards be required to:

- i) be housed in non-police buildings;

- ii) have non-police staff assist the board in fulfilling statutory obligations;
- iii) have non-police equipment and supplies.

We proposed in Recommendation 57(b) that the Ministry of the Solicitor General be granted sufficient funds to transfer to boards to enable them to meet the requirements of Recommendation 57(a).

Although individual boards may have made efforts to meet the requirements of Recommendation 57(a), it appears the Ministry has not been afforded funds to assist boards in meeting the recommended requirements.

We restate the need to ensure housing, staffing and other arrangements made on the part of police services boards are conducive to public perception that boards, which exist to ensure civilian direction is provided to police forces, exercise judgment independent of the police. However, we recognize that in difficult economic circumstances, this matter may not be a priority.

We do wish to emphasize, however, that boards have real need for enough funding to enable them to perform their duties more effectively and independently. To a large extent they are dependent upon police staffing and information. An independent research function would be invaluable in advancing the legitimate performance of board responsibilities, and ought to be provided.

inspections, an audit of whether police services boards have taken steps to comply with the requirements of Recommendation 57(a) of the 1989 Task Force Report following which the Ministry conduct an analysis of the funding requirements needed for boards to meet those requirements. The Task Force recommends further government consideration for the transfer of funds to the Ministry of the Solicitor General to meet the requirements of recommendation 57(a) including the capacity for an independent research function.



# Overview



OVERVIEW

The raison d'être of the Task Force on Race Relations and Policing is the improved relationship between racial minorities and police forces in Ontario. It is with a certain sense of déjà vu that we return, ushering in some new and some of our old recommendations just three and one-half years after we last reported. Our empathy lies with both the racial minority and police communities. Our previous 57 recommendations delivered in 1989, remain a testimony to earnest and honest desire, on both sides, to resolve some ever erupting perspectives which continue to lead to serious tensions and misunderstandings.

Three and one-half years later, we must report that much of the desire of both communities to engage in a consultative process has dissipated. This is unfortunate, for we believe that the original Task Force process was cathartic. The intervening years can be viewed as having a roller coaster effect of raised expectations and failed promises which must be repaired. For example, in 1989, ninety-nine police forces responded to our questionnaire. The information was invaluable to our awareness of race relations and policing. In 1992, however, a mere thirty-nine police forces have replied. We lament that an opportunity has been lost for the police community to demonstrate achievements in this area.

Community consultations fared little better. As consultations have become the order of the day, many of those whom we seek to

inform us have become "consulted out". Their cynicism is evidenced by their grudging responses to engage in the process one more time. Racial minorities have come to the painful realization that nothing of substance occurs unless there is a crisis. For example, the passage of the Police Services Act, 1990 was precipitated by the shooting of yet another Black person. The Stephen Lewis Report, our own reinstatement and the new Use of Force Regulations were all prompted by yet another police and minority intransigence.

Conversely, the police have been attempting to comply with the employment equity regulations and have initiated in some instances, good community relations projects. But the primary vehicle for change was race relations training and that did not materialize. Officers still remain without the tools they need to police in a pluralistic, multiracial, and multicultural community. In the words of a community presenter "...the institution itself must change; too bad the officer on the street bears the brunt of the community wrath". So they too despair, for they continue to be labelled as racially insensitive while the racial minority community continues to perceive trauma at the hands of some officers. There is a need to resolve fears of each other within police and racial minority communities.

Our 1989 recommendations were presented somewhat in isolation of each other but with a clear desire that they be viewed as a package. The decision not to implement the Race Relations and Policing Review Board, which we considered to be the core of that package, set our recommendations adrift. We feel that there was

not a full appreciation for the totality of the report, nor the level of frustration between the police and racial minorities. The recommendations were not implemented as an interdependent scheme.

We are unable to evaluate where things might have been had more of our 1989 recommendations been implemented, or greater progress made on those which were.

Nonetheless, we remain hopeful. Recent announcements concerning the government's intention to establish mechanisms similar to those which we had envisaged, such as the Race Relations and Policing Monitoring and Audit Board, the Use of Force Regulations, and the Race Relations Policy tell us that we were correct in 1989. If for no other reason than the progress that looms on the horizon, we owe it to ourselves and to the other members of the 1989 Task Force to refocus our energies and present our best wisdom and judgment to all parties. In 1992 the Task Force is given another opportunity. It is vital that in our current effort we lay out clearly and precisely our plan of action which cannot be misinterpreted. Thus, we have constructed a proposed implementation strategy for government consideration, decision, and action. We find the state of affairs in 1992 more critical, therefore a broad, far reaching, comprehensive plan of action is immediately required.

PLANNING FOR THE FUTURE

Ontario is in the midst of a most dramatic shift in demographic realities. A tidal wave of racial and ethnocultural change is upon us. The cultural and racial diversity of Ontario is, and will continue to be, dramatically different from the recent past. We believe that it is extremely important for the people of Ontario to understand this shift in demographics over the last thirty years, for it plays a significant role in determining both the composition of, and environment in which, police forces will operate. A misunderstanding of its genesis can easily influence or prejudice our attitudes and values. The increased diversity witnessed in these population changes is a result of a shift in an immigration policy which no longer states a preference for immigration of people from European countries. As a result, over the last thirty years more racially and culturally balanced numbers of people, who have always wanted to be part of Canada, have immigrated. Unless our immigration policies and laws revert to what they represented in 1969, a more racially and culturally diverse group of people will continue to make Canada their home.

The United Nations Education, Social and Cultural Organization (UNESCO) considers Metropolitan Toronto to be one of the most racially and culturally diverse cities in the world. It is projected that by the year 2001, close to fifty per cent of Metropolitan Toronto's population will be comprised of racial minorities. The numbers for the Toronto Census Metropolitan Area,

which includes Peel and York Regions and much of Halton and Durham, will be only slightly lower. Between ten and twenty per cent of the population of Ottawa-Hull, Hamilton, Kitchener, London and Windsor will also be comprised of racial minorities.

On a province-wide basis Ontario will have half of all the racial minorities in Canada. This is the environment in which Ontario police forces will operate and they must be ready to face the challenges of the new century.

There is no doubt that the police wish to be regarded as professionals. However, for the status of professional to be conferred, as police services are delivered in the environmental context just described, an organizational shift of epic proportion must occur. The well being of our whole community in general, and our police and racial minority communities in particular, is at stake.

To facilitate this movement, a new foundation must be laid. It must be built of respect for diversity, inclusive of partnerships and education. It requires management approaches which value critical thought and secure behavioural and attitudinal differences. Various sections of the Charter of Rights and Freedoms, the Human Rights Code, 1981, and the Police Services Act, 1990, respect and protect the diversity which has become the hallmark of our province.

The legislative framework for change is in place. Implementation and accountability is all that is required.

There is little room for compromise left. All institutions, inclusive of the police, must be representative of a diverse Ontario. With policing, actual partnerships must be encouraged whereby diverse participants have meaningful input into policy and priority setting, thereby resulting in contemporary, culturally and racially sensitive agendas of police organizations.

As a Task Force we, therefore, espouse the notion of contemporary policing as necessary for the year 2000 and beyond. It will require policing organizations and executives to be more receptive to innovation and change. Contemporary policing supports aspirations of career police officers. An organization balanced by diversity, at all ranks and positions, and delivering service developed in partnership with the community will only garner more respect from all.

Our 1989 recommendations were not made lightly nor were they made in the absence of indicators which identified and highlighted their need. We were aware then, and remain convinced today, that no single solution exists to reverse the present climate of distrust and inaction. In 1992, we feel it necessary to encourage the Government, the Ministry of the Solicitor General, police services, police governing authorities, the minority communities, and the

public at large, to develop partnerships. It is time for government, police and community to join in a common effort to break the existing cycle of crisis.



## Proposed Implementation Strategy

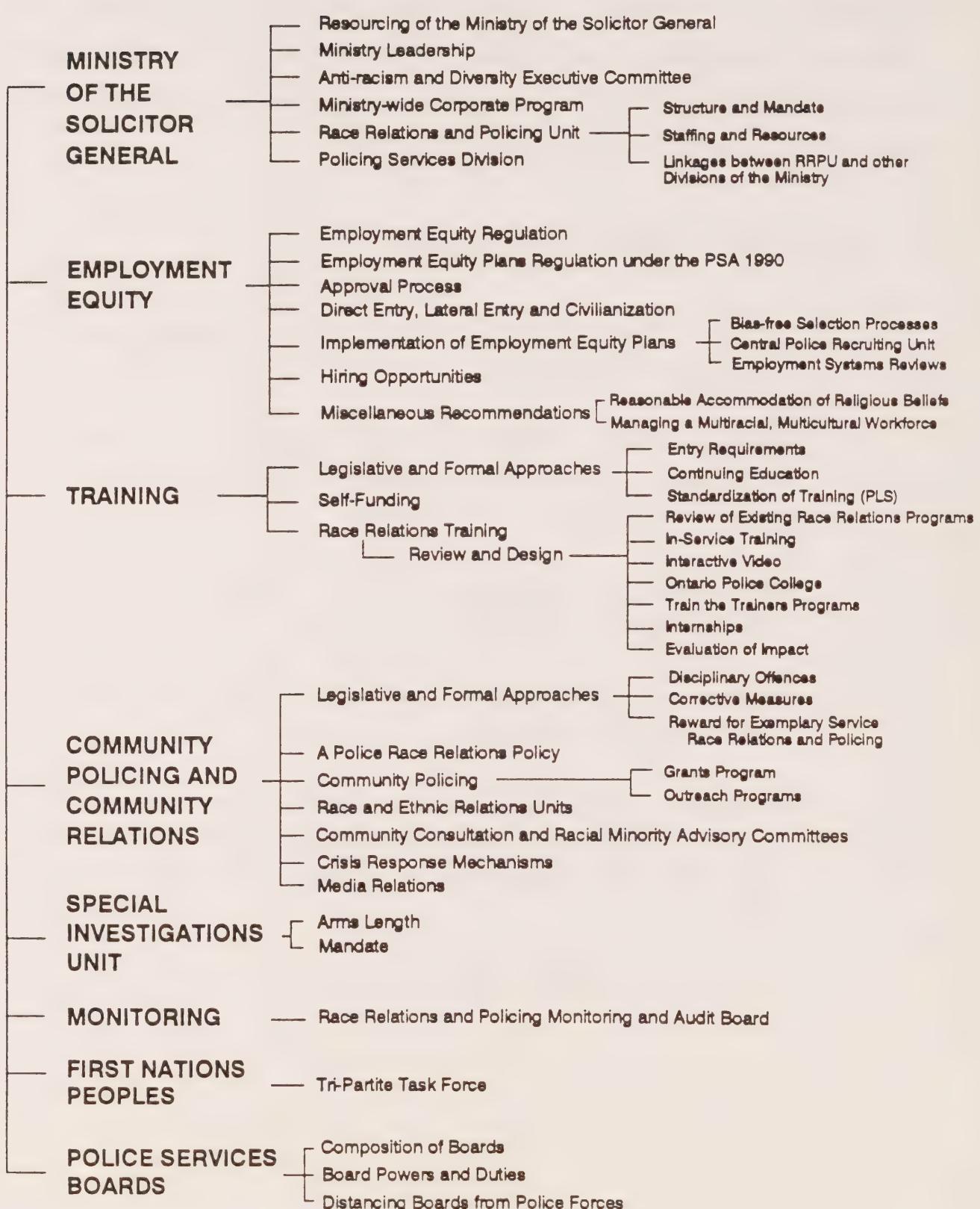


This chapter contains a number of charts detailing a proposed implementation strategy. They are intended to provide an accessible assemblage of 1989 and 1992 Task Force recommendations, together with an outline of suggested assignment of implementation responsibility and timeframes.

The charts included are, in order:

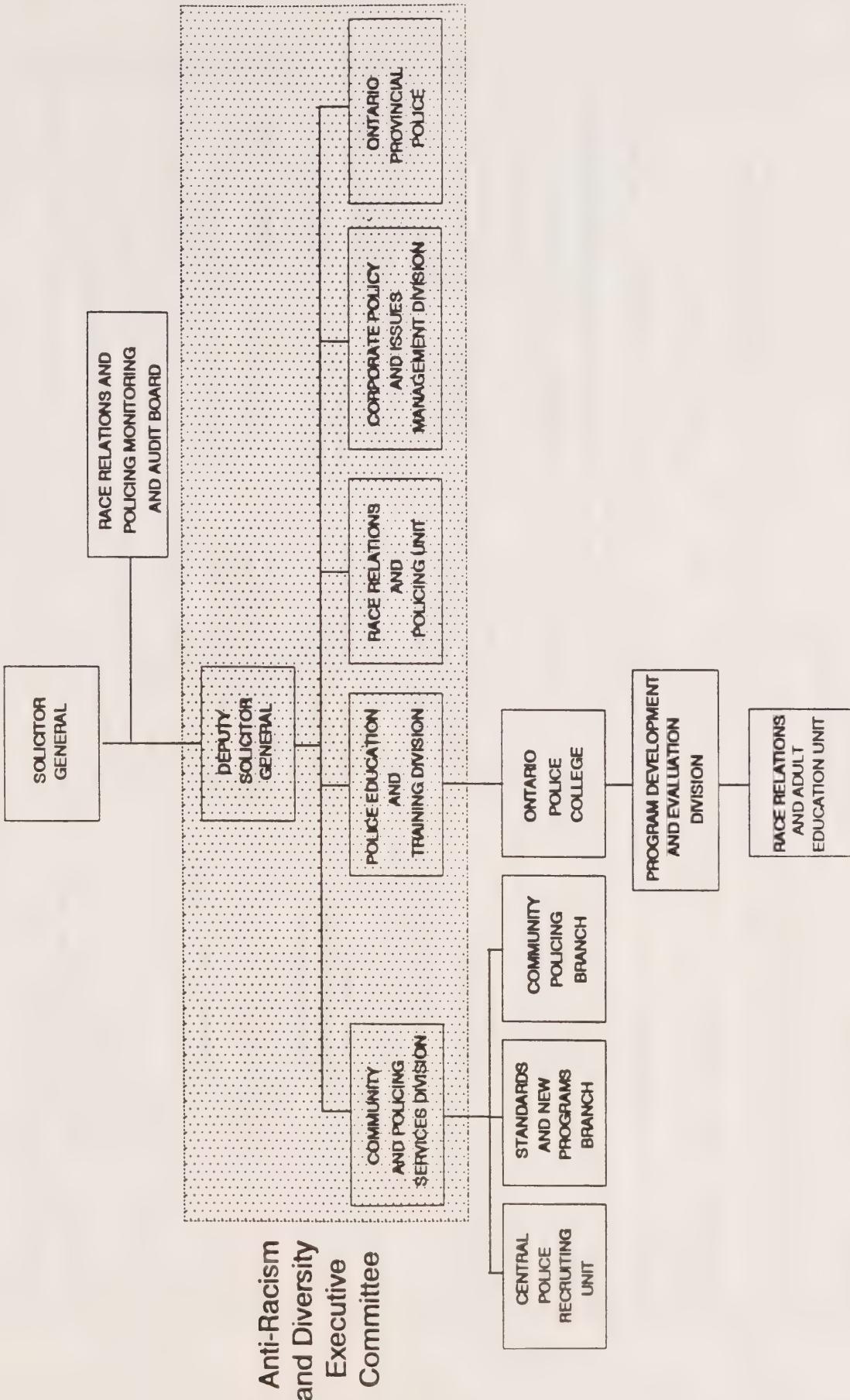
- "Tree" diagram showing structure of report and recommendation areas.
- Organizational Chart of the Ministry of the Solicitor General as it would be affected by the recommendations.
- Explanatory introduction to the proposed implementation strategy.
- Legend re: use of terms in the proposed implementation strategy.
- Proposed implementation strategy by subject, including 1989 and 1992 Task Force recommendations and suggested responsibility and timeframes for action.
- Proposed actions grouped by timeframes.

## TASK FORCE ON RACE RELATIONS AND POLICING (1992)



# **TASK FORCE ON RACE RELATIONS AND POLICING (1992)**

**(Organizational Structure of the Ministry of the Solicitor General  
as affected by the Recommendations)**



Note: Chart describes summary of the Task Force's organizational recommendations only and does not include all Ministry Divisions, Branches and Units.

## INTRODUCTION

The proposed Strategic Implementation Plan incorporates the recommendations of the 1992 Report as well as a number of the recommendations contained in the 1989 Task Force Report which remain unchanged and are still supported by the Task Force.

The table shown below describes the format of the proposed Strategic Implementation Plan:

MINISTRY OF THE SOLICITOR GENERAL				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
The number of the recommendation from the 1992 report	The number of the 1989 recommendation  A description of the status of the prior recommendation: <ul style="list-style-type: none"><li>● addressed</li><li>● partially addressed</li><li>● not addressed</li><li>● not accepted</li><li>● uncertain</li></ul>	The plan provides a short form description of the action required to implement the recommendation.  The plan only addresses actions required and does not include detailed descriptions of the recommendation such as duties and responsibilities or elements to be addressed.	Primary responsibility and key stakeholders who need to be involved  See legend for list of abbreviations	Time frames for completion:  Immediate = less than 6 months (before May 1993)  Short-term = 6-12 months (before Nov 1993)  Intermediate = 13-24 months (before Nov 1994)  Long-term = 24+ months (before 1998)

**LEGEND RE: USE OF TERMS**

**MINISTRY OF THE SOLICITOR GENERAL**

	<b>POLICING INSTITUTIONS</b>
MSG	Ministry of the Solicitor General
DM	Deputy Minister
ADM	Assistant Deputy Minister
DIR	Director
ARDEC	Anti-Racism and Diversity Executive Committee
CPIM	Corporate Policy and Issues Management Division
CPB	Community Policing Branch
CPRU	Central Police Recruiting Unit
OPC	Ontario Police College
OPP	Ontario Provincial Police
PET	Police Education and Training Division
PSD	Policing Services Division
CPSD	Community and Policing Services Division
RRAE	Race Relations & Adult Education Unit - OPC
RRPMA&B	Race Relations and Policing Monitoring and Audit Board
RRPU	Race Relations and Policing Unit
SIU	Special Investigations Unit
SPCPTE	Strategic Planning Committee on Police Training and Education
	<b>OTHER</b>
	EE = Employment Equity
	PLS = Police Learning System
	PSA = Police Services Act, 1990
	<b>OTHER ONTARIO GOVERNMENT MINISTRIES</b>
	MCU = Ministry of Colleges and Universities
	MEd = Ministry of Education
	MC = Ministry of Citizenship
	MAG = Ministry of the Attorney General

MINISTRY OF THE SOLICITOR GENERAL				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Resourcing of the Ministry of the Solicitor General</b>				
1	Not applicable - no prior recommendation made	Recognize and respond to the need for MSG to be more adequately positioned, profiled in government priority and resourced	Government of Ontario	Immediate
2	Not applicable - no prior recommendation made	Establish accountability processes and mechanisms including the establishment and reporting of evaluation of related programs	DM, ADM's, directors and managers	Immediate
<b>Ministry Leadership</b>				
3	Not applicable - no prior recommendation made	Establish an Anti-Racism and Diversity Executive Committee (ARDEC)	DM	Immediate
3 (a)	Not applicable - no prior recommendation made	Develop, coordinate and implement an overall strategic plan for the Ministry's policing divisions as it relates to race relations and policing issues, inclusive of an anti-racism component	ARDEC	Short-term
3 (b)	Not applicable - no prior recommendation made	Establish as Ministry policing priorities: <ul style="list-style-type: none"> <li>● community policing with anti-racism component</li> <li>● develop an anti-racism strategy</li> <li>● develop, implement and support internal and external employment equity plans and initiatives</li> </ul>	ARDEC	Short-term
4	Not applicable - no prior recommendation made	Develop and implement a comprehensive communication strategy outlining the ingredients of the Ministry's Anti-racism strategy	MSG	Short-term

MINISTRY OF THE SOLICITOR GENERAL				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Ministry-wide Corporate Program</b>				
5	Not applicable - no prior recommendation made	Establish a Ministry employment equity plan which is part of the Ministry's strategic plan	MSG	Short-term
5 (a)	Not applicable - no prior recommendation made	EE plans should include measures for systemic barrier removal and creation of environments which value and respect diversity	MSG	Short-term
5 (b)	Not applicable - no prior recommendation made	Provide orientation and training re: EE to all Ministry personnel; that management and senior management receive enhanced training re: anti-racism and management of diversity <ul style="list-style-type: none"> <li>● first for senior and mid-level managers</li> <li>● then for all others</li> </ul>	MSG	Short-term

MINISTRY OF THE SOLICITOR GENERAL					
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?	
<b>RACE RELATIONS AND POLICING UNIT</b>					
<b>Structure and Mandate</b>					
6	Not applicable - no prior recommendation made	Make Director RRPUs regular member of Senior Management Committee	MSG	Immediate	
7	Not applicable - no prior recommendation made	Design and commence an evaluation process to determine whether and in what manner the RRPUs to be Integrated into other Ministry divisions or if it should become the Anti-racism Division	MSG and Include DIR RRPUs	Long-term	
<b>Staffing and Resources</b>					
8	Not applicable - no prior recommendation made	Return RRPUs to earlier resource and staff levels	MSG	Immediate	
<b>Linkages between RRPUs and other Divisions of the Ministry</b>					
9	Not applicable - no prior recommendation made	Develop written protocols to ensure proper linkages exist between the RRPUs and other Divisions	DM ADM -PSD ADM -CPIM ADM -PET COMM-OPP DIR -RRPUs (ARDEC)	Immediate	
<b>POLICING SERVICES DIVISION</b>					
10	Not applicable - no prior recommendation made	Conduct an examination of functions and procedures	PSD	Short-term	

EMPLOYMENT EQUITY					
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?	
<b>Employment Equity Regulation</b>					
11	6 - partially addressed - see below	see 1992 recommendations 11-22			
<b>Employment Equity Plan regulation under the PSA 1990</b>					
11 (a)	6- partially addressed - takes too long	Evaluate the effects of the formula under the Employment Equity Regulation and if required make such amendments to the formula as appropriate	MSG and RRPMAB	MSG and RRPMAB	prior to 1995 EE plan period
11 (b)	Not applicable - no prior recommendation made	Require police forces which have followed minimum standards in setting goals to set out in writing the results of setting minimum hiring goals, and by what year the force anticipates it will be representative of the community it serves	MSG and RRPMAB	MSG and RRPMAB	prior to 1995 EE plan period
<b>Approval Process</b>					
12	6- partially addressed - approval process is internal to government and does not include PSB's or chiefs of police	Disband the Initial EE Review Committee	Solicitor General	MSG	long-term
					Immediate
		Evaluate EE plans at intervals set up under the EE Plans Regulation including direct input from PSB's and chiefs of police when necessary	RRPMAB	RRPMAB	as required by regulation

EMPLOYMENT EQUITY				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Direct Entry, Lateral Entry and Civilianization</b>				
	7 and 8 - partially addressed - no officer training program, no direct /lateral entry mechanisms, civilianization begun	Take a lead role in the development of an officer training program  (see 1992 recommendations #13-15)	PET	Intermediate
13	Not applicable - no prior recommendation made	In the review of Implementation of EE plans, ensure special emphasis is given to the review of Implementation of special measures involving direct and lateral entry processes and civilianization of sworn officer positions	RRPMAB	as required by regulation
14	7 - not addressed	Develop formal lateral and direct entry processes for use by police forces	CPSD	Intermediate
15	Not applicable - no prior recommendation made	Amend section 9 (4) of EE plans regulation	MSG	Intermediate
<b>Implementation of Employment Equity Plans</b>				
<b>Blas-free Selection Processes</b>				
16	Not applicable - no prior recommendation made	Give adequate resources to develop blas-free selection processes commencing with the adequate funding of the Constable Selection Project and further projects to develop processes for selection of each police officer rank	MSG	short-term
16 (a)	Not applicable - no prior recommendation made	Upon completion of the Constable Selection Project, compile police recruit availability data and use such data in assisting police forces in setting employment equity goals	RRPU & CPSD	Intermediate

EMPLOYMENT EQUITY					
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?	
<b>Central Police Recruiting Unit</b>					
17	9- partially addressed - Central Recruitment Inventory will not work	Establish the Central Police Recruiting Unit (CPRU) with adequate staffing and resources		MSG	Immediate
18	Not applicable - no prior recommendation made	Develop a grants program for police forces for the purpose of providing police forces with financial assistance in undertaking employment systems reviews and in meeting barrier elimination and positive measures goals	CPSD & CPRU	Intermediate	
19	Not applicable - no prior recommendation made	Ensure the person in charge of police personnel or human resources (HR) be a civilian with expertise in human resources issues	All police forces with separate HR depts	Intermediate	
19 (a)	Not applicable - no prior recommendation made	Appoint a qualified Employment Equity Officer committed to the position for a minimum of two years	All other police forces	Intermediate	
19 (b)	Not applicable - no prior recommendation made	Establish standards for the qualifications of Employment Equity Officers for all police forces	MSG	short-term	
<b>Hiring Opportunities</b>					
20	not applicable - no prior recommendation made	Create mechanisms for early retirement of police officers to facilitate employment equity initiatives	MSG OAPSB OACP PAO	short-term	
21	not applicable - no prior recommendation made	Race relations audits should include a review of whether hiring and promotional opportunities were under-estimated or changed in police force EE plans	RRPMA and CPSD	Intermediate	

EMPLOYMENT EQUITY				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Miscellaneous Recommendations</b>				
Reasonable Accommodation of Religious Beliefs				
	10- partially addressed	Amend PSA Regulation to implement 1989 recommendation 10 fully	MSG	Immediate
Managing a Pluralistic, Multiracial, Multicultural Workforce				
22	11- not addressed	Develop and make available to policing institutions an Organizational Climate and Employee Satisfaction Survey to be administered to racial minority officers and civilian employees	CPSD & RRPB	short-term
	Not applicable - no prior recommendation made	Develop mechanisms to monitor the retention rate of racial minority officers within police forces, and when necessary, assist forces in implementing retention and career development strategies to retain qualified racial minority officers	MSG	short-term
	12- not addressed	Establish an award of excellence for forces which perform merititoriously in achieving employment equity goals	MSG	Immediate

TRAINING				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Legislative and formal approaches</b>				
Entry Requirements				
	14- Addressed	None		
	15- Addressed	None		
Continuing Education				
	13- not addressed	Encourage police forces to facilitate the enrolment of officers in university level courses through funding support, shift accommodation and promotional opportunities	PET	Intermediate
	13 (a) not addressed	Design courses to enable officers to achieve university entrance requirements while on duty	PET and MCU	long-term
	17- not addressed	Require all police officers to complete a four-week refresher course every five years	MSG and PET	Intermediate
	17 (a) not addressed	Require OPC to ensure refresher training includes professionally evaluated and integrated race relations training	PET	Intermediate
	21- not addressed	Regulate mandatory race relations training	MSG	Intermediate
Standardization of Training - Police Learning System				
	16- Partially addressed - pilot test of race relations only	Monitor the implementation of the "coach-officer" program in the context of the Police Learning System	PET	short-term

TRAINING			
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM? BY WHEN?
	16 (a) partially addressed - standards not complete	Implement the Police Learning System (PLS) and develop standards for coach officers including refresher training and training in race relations	PET short-term
	16 (b) partially addressed	Develop a mechanism to evaluate the effectiveness of coach officer programs	PSD short-term
	19- uncertain - plan in development	Adopt "Report of Strategic Planning Committee on Police Training and Education" (SPCPTE) with 1992 Task Force amendments in Recommendations 23-24	MSG Immediate
23 (a-f)	Not applicable - no prior recommendation made	Create a new Police Education and Training (PET) division headed by an ADM with overall responsibility for police education and training in Ontario	MSG Immediate
23 (g)	Not applicable - no prior recommendation made	Create a race relations evaluation process for the police learning system (PLS)	PET and RRP/MAB short-term
23 (h)	Not applicable - no prior recommendation made	Establish formal intra-ministerial protocols for the development and delivery of race relations training to police forces in Ontario	PET and RRP/U short-term
23 (i)	Not applicable - no prior recommendation made	Amend the police learning system (PLS): principles, mission, include EE objectives	MSG Immediate
24	Not applicable - no prior recommendation made	Amend the police learning system to establish a Community Advisory Committee re: Police Education and Race relations and anti-racism reporting to the ADM	ADM - PET short-term

TRAINING				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Self-funding</b>				
	18- addressed - see Report of Strategic Planning Committee on Police Training and Education	None		
	18 (a) not addressed	Provide bursaries and loans to recruits attending community colleges	PET / MCU	Intermediate
<b>Race relations training</b>				
	<b>Review and redesign</b>			
1	<b>Review of Existing Race Relations Programs</b>			
	22 (a) partially addressed - principle of joint review rejected by Ministry, screening for depiction not conducted, implementation deficient	see 1992 recommendations 25-27		
	22 (b) not addressed	Screen materials for depiction	RRPU, OPC-RRAE	Immediate
	22 (d) partially addressed - Incomplete	See 1992 recommendations 25, 29 and 29 (a)		

TRAINING				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
2 In-Service Training				
25	22 - partially addressed - not Implemented	Implement a comprehensive, multi-level, in-service anti-racism and diversity training strategy	PET and RRPUs	short-term
26	Not applicable - no prior recommendation made	Target police forces for first receipt of comprehensive race relations in-service training	ARDEC and RRPMAB	short-term
27	Not applicable - no prior recommendation made	Provide resources to police forces for in-service race relations training based on demonstrated need	MSG	short-term
27 (a)	Not applicable - no prior recommendation made	Develop protocols between forces of less than 100 which lack resources and the OPP or other forces to provide support	MSG	short-term
3 Interactive video				
28	Not applicable - no prior recommendation made	Provide Interactive Laser Video to Race Relations and Adult Education Unit of Ontario Police College	RRPUs	Immediate
28 (a)	Not applicable - no prior recommendation made	Provide support to police forces based on demonstrated need re: trained facilitators and equipment	RRPUs	Immediate

TRAINING			
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM? BY WHEN?
4	Ontario Police College		
29	22- partially addressed - Integration of race relations unsuccessful	Ensure sufficient funding is provided to the OPC's Program Development and Evaluation Division (PDE)	PET Immediate
29 (a)	Not applicable - no prior recommendation made	Appropriately resource the OPC's Race Relations and Adult Education Unit (RRAE)	PET Immediate
30	Not applicable - no prior recommendation made	Conduct a comprehensive management audit of the OPC	PET Immediate
5	Train the Trainers Programs		
	23- not addressed - no train the trainers program in place	Design and implement a Train the Trainers program for all Ontario police race relations training officers	RRPU and OPC Immediate
	23 (a) not addressed	Evaluation process be prepared in concert with design of program	RRPU and OPC Immediate
6	Internships		
	20- uncertain - PLS only proposes service with community organizations not racial minority organizations	Require all probationary constables to complete a two to three month internship with a racial minority community organization and a further two to three month internship prior to being considered for promotion	MSG Intermediate
7	Evaluation of Impact		
	24- not addressed	Undertake a long term study of the effect of police race relations training on the interaction of officers with racial minority communities	RRPMAB Immediate

COMMUNITY POLICING AND COMMUNITY RELATIONS				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Legislative and formal approaches</b>				
Disciplinary Offences				
	37 addressed	None		
	37a- partially addressed	See 1992 recommendation 31 and 31 (a)		
31	Not applicable - no prior recommendation made	Amend clause 1(2) (l.2) of the Code of Conduct	MSG	Immediate
31 (a)	Not applicable - no prior recommendation made	Conduct appropriate research to determine whether to amend Clause 1(2) (l.1)	MSG	Immediate
Corrective Measures				
	52- not addressed	Provide remedial training for officers whose discriminatory behaviour does not warrant dismissal	Police Forces	short-term
Reward for Exemplary Service in Race Relations and Policing				
	53- not addressed	Create an award for officers with exemplary skills in identifying and addressing race relations issues	Police Forces	Immediate
<b>A Police Race Relations Policy</b>				
32 and 32 (a)	37b- partially addressed	Amend the recently developed race relations policy	RRPU	Immediate
32 (b)	37b- partially addressed - not implemented	Require mandatory adoption and implementation of the Ministry's police race relations policy by all police forces	MSG	Immediate

COMMUNITY POLICING AND COMMUNITY RELATIONS				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Community Policing</b>				
	38- partially addressed - lacks Ministry priority and clear direction; lacks race relations components; lacks significant community input to police policy and priority-setting	see 1992 recommendations 33, 33 (a) and 33 (b)		
33	Not applicable - no prior recommendation made	Assign responsibility and properly resource the Policing Services Division to provide the Ministry with the capacity to articulate and promote effectively the community policing philosophy as per the PSA 1990	MSG	Immediate
33 (a)	Not applicable - no prior recommendation made	Rename the Policing Services Division as the Community and Policing Services Division	MSG	Immediate
33 (b)	Not applicable - no prior recommendation made	Create a Community Policing Branch within the CPSD with a Director accountable and responsible for the advancement of community policing throughout Ontario	CPSD	Immediate
<b>Grants Program</b>				
34	Not applicable - no prior recommendation made	Evaluate the Grants Program and if the program proves to be an effective catalyst for change, then it should be appropriately funded and staffed	RRPU	short-term

COMMUNITY POLICING AND COMMUNITY RELATIONS					
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?	
<b>Outreach Programs</b>					
	39 - uncertain - unable to assess status	Institute or expand outreach programs in which police officers regularly attend schools, citizenship classes and organizational meetings in the community to explain their role and function	Police Forces	short-term	
	39 (a) uncertain - unable to assess status	Undertake to petition the Minister of Education to change school curricula	MSG and MEd	Immediate	
	40- not addressed	Create an achievement medal for outstanding service in community policing	Police Forces	Immediate	
<b>Race and Ethnic Relations Units</b>					
	41- not addressed	See 1992 recommendation #35 - if deemed useful, encourage all police forces to establish representative race and ethnic relations units when racial minority population warrants, and	MSG		
		Prepare and publish guidelines as to composition and function of units			
	42- uncertain	see 1992 recommendation # 35			
	43- uncertain	see 1992 recommendation # 35			
	44- partially addressed - demographic data acquired	Evaluate data and determine if it meets the needs of 1989 recommendation # 44, if not, implement recommendation # 44	MSG and MC	short-term	
	45- uncertain	see 1992 recommendation # 35			
	46- uncertain	The work of officers within race and ethnic relations units receive positive consideration in the promotional process and that such units be staffed with some officers of a rank higher than constable	Police Forces	Immediate	

COMMUNITY POLICING AND COMMUNITY RELATIONS				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
35	Not applicable - no prior recommendation made	Conduct an evaluation of the form, function and usefulness of race and ethnic relations units	CPSD, RRPMB, RRPB with OAPSB, OACP and PAO	Intermediate
Community Consultation and Racial Minority Advisory Committees				
	47- partially addressed	Distribute report "Effective Models of Community Committees"	RRPB	Immediate
	47- partially addressed	Establish and fund representative Community Consultation Committees	Police Forces and MC	Immediate
	48- partially addressed - not funded	Fund and host annual symposia for Community Consultation Committees	CPSD and MC	short-term
	49- uncertain	Establish racial minority advisory committees for forces with over 100 members and racially diverse communities	Chiefs of Police	Immediate

COMMUNITY POLICING AND COMMUNITY RELATIONS			
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM? BY WHEN?
<b>Crisis Response Mechanisms</b>			
	50- not addressed	Establish a crisis response mechanism for adoption and use by government, police institutions and community organizations	CPSD and all key stakeholders
			Immediate
<b>Media Relations</b>			
36	51- partially addressed	Include in the Ministry race relations policy a statement consistent with 1989 recommendation 51 that country of origin, race and colour of a suspect only be referred to when it is an investigative requirement	RAPU
			Immediate

SPECIAL INVESTIGATIONS UNIT					
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?	
	Arms Length				
	36- partially addressed re: Independence	see proposed legislation - transfer to Ministry of the Attorney General (MAG)  see also 1992 recommendations 37, 37 (a) and 37 (b)			
	Mandate				
37	36- partially addressed	More clearly define the jurisdiction of the SIU and the funding and resources be commensurate with that jurisdiction	MAG	Immediate	
37 (a)	36- partially addressed	If insufficient resources granted, jurisdiction be limited to investigation of police shootings causing injury or death or any police use of force causing death	MAG	Immediate	
37 (b)	36- partially addressed	SIU should use civilian investigators to work in partnership with seconded police officers. No seconded police officer and no other Unit Investigator should be permitted to participate in an investigation that relates to members of a police force of which he or she is, or was, a member.	MAG	Immediate	

MONITORING					
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?	
<b>Race Relations and Policing Monitoring and Audit Board</b>					
Interim report on Monitoring Rx # 1	1,2,3 and 5 - not accepted	Implement Task Force Interim Report on Monitoring - Appendix B recommendations 1 (a-l)		MSG	Immediate
38	4 - partially addressed - no research capacity, permanency of RRPMB not clear	State whether the RRPMB is intended to be permanent or temporary and if temporary, what alternative is intended for fulfilment of its functions on an ongoing basis		MSG	Immediate

USE OF FORCE			
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM? BY WHEN?
	25-29, 31, 32, 35 addressed in new Use of Force Regulation	None	
	30 - partially addressed - police learning system	Conduct an Inquiry into the feasibility of issuing firearms to new constables only after they have acquired a certain amount of on-duty experience	CPSD Intermediate
	33 - not accepted	Encourage officers in addition to formal training, to practice and improve their shooting accuracy skills by offering free ammunition for practice purposes, and shooting accuracy badges for attaining levels of skill higher than minimum requirements	Police Forces Immediate
	34 - not accepted	Patrol supervisors should be required to conduct random spot-checks of ammunition actually being used by officers in the line of duty and to report their findings monthly to the Chief of Police who would then convey the results to police governing authorities on a quarterly basis	Police Forces Immediate
	34 (a) not accepted	Any officer found in possession of unauthorized firearms or ammunition be subject to discipline	Police Forces Immediate

FIRST NATIONS PEOPLES			
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM? WHEN?
39	Tri-Partite Task Force	Establish a Tri-Partite Task Force	Government of Ontario, Government of Canada, Native People
	54- not accepted		short- term

POLICE SERVICES BOARDS				
1992 RX #	CURRENT STATUS OF 1989 RECOMMENDATION	ACTION REQUIRED	BY WHOM?	BY WHEN?
<b>Composition of Boards</b>				
	55- partially addressed	Ensure adequate racial minority representation on PSB's	MSG and Government of Ontario	Immediate
<b>Board Powers and Duties</b>				
40	56- adequately addressed - duties clearly defined	None		
40 (a)	Not applicable - no prior recommendation made	Ensure adequate resources to develop prescribed standards of service re: PSB's	CPSD	Immediate
40 (b)	22 (d) not addressed	Establish, adequately fund and deliver more frequent and enhanced training for police services board members	CPSD	Immediate
41	22 (e) not addressed	Make anti-racism and diversity training mandatory for all PSB's throughout the province	CPSD and RRPu	short-term
	Not applicable - no prior recommendation made	Audit PSB's for compliance with roles and responsibilities as per s. 31 of PSA	CPSD	short-term
	57 (b) not addressed	Provide adequate support to PSB's to fulfill duties and responsibilities	CPSD	short-term
	56 (a) adequately addressed	none		
<b>Distancing Boards from Police Forces</b>				
42	57- not addressed	<ul style="list-style-type: none"> <li>● audit for compliance</li> <li>● analyze funding requirements</li> <li>● provide sufficient funds to ensure independence</li> </ul>	CPSD	Intermediate

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
<b>IMMEDIATE IMPLEMENTATION - within 6 months - before May 1993</b>		
Interim Rx1	Implement interim recommendation # 1	MSG
10	Amend PSA regulation as per Rx 10	MSG
12	EE Award	MSG
19	Adopt SPCPTE report with 1992 TF amends	MSG
22b	Screen materials for depiction	RRPU & RRAE
23	Design and implementation Train Trainers (TTT)	RRPU & OPC
23a	Prepare evaluation process for TTT	RRPU & OPC
24	Study effects of RR training on interaction	RRPMAB
30	Conduct inquiry re: arming new constables	CPSD
33	Encourage improved shooting accuracy	Police Forces
34a	Discipline unauthorized possession firearms/ammunition	Police Forces
34	Conduct random spot checks of firearms/ammunition	Police Forces
39a	Petition Minister of Ed to change curriculum	MSG & MEd
40	Create Community Policing achievement medal	Police Forces
41	Prepare/publish RER guidelines	MSG
41	Encourage establishment of RER units	MSG

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
<b>IMMEDIATE IMPLEMENTATION - within 6 months - before May 1993 (cont'd)</b>		
	46 Give positive consideration to RER work	Police Forces
	47 Establish and fund Police Community Committees	PF's and MC
	47 Disseminate "Police Community Models" report	RRPU
	49 Establish racial minority adv comm	Chiefs/Large PF's
	50 Establish crisis response mechanism	CPSD & others
	53 Create RR award	Police Forces
	55 Ensure adequate racial minority rep on PSB's	MSG/Gvt Ont
1	Resource MSG	Gvnt Ont
2	MSG Leadership	MSG
3	Create ARDEC	DM
6	Make RRPu Dir member of Snr Mgt	MSG
8	Resource RRPu	MSG
9	Develop RRPu Protocols	ARDEC
12	Disband initial EE Committee	MSG
17	Create CPRU	MSG
18	Develop ESR Grants	CPSD & CPRU
19a	Appoint Qualified EE Offrs	All other PF's

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
<b>IMMEDIATE IMPLEMENTATION - within 6 months - before May 1993 (cont'd)</b>		
23i	Amend PLS	MSG
23a-f	Create PET	MSG
28a	Provide support to PF based on need re: Video	RRPU
28	Provide Laser Video to OPC-RRAE	RRPU
29a	Resource OPS RRAE	PET
29	Fund OPC - PDE Division	PET
30	Conduct comprehensive audit of OPC	PET
31a	Conduct research re: 1(2)(i.1)	MSG
31	Amend 1(2)(i.2) Code of Conduct	MSG
32b	Require mandatory adoption of MSG RR policy	MSG
32 & 32a	Amend RR policy	RRPU
33	Resource PSD	MSG
33b	Create Comm Policing Branch in CPSD	CPSD
33a	Rename PSD as CPSD	MSG
36	Include in RR policy re: media relations	RRPU
37b	SIU Investigators	MAG
37a	Limit jurisdiction if insufficient resources	MAG

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
92	89	
<b>IMMEDIATE IMPLEMENTATION - within 6 months - before May 1993 (cont'd)</b>		
37	Clearly define SIU jurisdiction	MAG
38	State intentions re: RRPMAB	MSG
40a	Establish/fund/deliver PSB training	CPSD
40	Ensure adequate resources develop PSB service stds	CPSD

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
92	89	
<b>SHORT-TERM IMPLEMENTATION - before November 1993</b>		
	11 Conduct Organizational Survey	CPSD & RRPUs
	16 Monitor coach/officer in PLS	PET
	16a Implement PLS and coach offcr stds	PET
	16b Evaluate effect of coach offcr prog	PSD
	39 Institute/expand outreach programs	All Police Forces
	44 Evaluate data and implement 44 if needed	MSG & MC
	48 Fund/host community consultation symposia	CPSD & MC
	52 Provide remedial RR training where appropriate	Police Forces
	57b Provide adequate support to PSB's	CPSD
	3a Develop Strategic Plan	ARDEC
	3b Set Priorities	ARDEC
	4 Anti-racism Communication Strategy	MSG
	5 Establish EE plan in MSG	MSG
	5a Develop EE Measures	MSG
	5b Provide EE Training for mgrs	MSG
	10 Review PSD functions	PSD
	16 Develop bias-free selection processes	MSG

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
<b>SHORT-TERM IMPLEMENTATION - before November 1993 (cont'd)</b>		
19b	Develop EE Officer standards	MSG
20	Develop early retirement mechanisms	MSG
22	Monitor retention	MSG
23g	Create RR evaluation for PLS	PET & RRPMAB
23h	Protocols for RR training dvlpmnt/dlvy	PET & RRP
24	Create PLS Community Advisory Comm	PET
25	Comprehensive anti-racism/diversity strat	PET & RRP
26	Target forces - 1st receipt RR training	ARDEC & RRPMAB
27	Resource PF's for training	MSG
27a	Develop protocols for resource sharing	MSG
34	Evaluate Community Policing Grants Program	RRP
39	Establish a First Nations Tri-Partite Task Force	Prov/Fed, FN
40b	Mandate anti-racism/diversity training -PSB's	CPSD & RRP
41	Audit PSB's for compliance re: PSA s.31	CSPD

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
92	89	
<b>INTERMEDIATE IMPLEMENTATION - before November 1994</b>		
	7/8 Officer Training	PET
13	Post-secondary support	PET
17a	OPC to ensure refresher incl. RR	PET
17	Four week refresher / five years	MSG & PET
18a	Provide bursaries/loans re:comm colleges	PET & MCU
20	Internship with racial minority organization	MSG
21	Regulate mandatory EE training	MSG
57	Audit PSB's, analyse requirements, fund	CPSD
12	Evaluate EE plans at intervals set	RRPMAB
13	Ensure implementation- EE Special Meas	RRPMAB
14	Develop lateral and direct entry measures	CPSD
15	Amend s9(4)9	MSG
16a	Compile recruit availability data	RRPU & CPSD
19	Ensure Civilian in charge of HR	All large PF's
21	RR Audits to look for EE plan changes	RRPMAB
35	Evaluate form, function and usefulness of RER	CPSD & others

ACTIONS GROUPED BY TIMEFRAMES FOR COMPLETION		
RECOMMENDATION	ACTION REQUIRED	BY WHOM?
92	89	
LONG-TERM IMPLEMENTATION - before 1998		
7	13a Enable offc's to meet univ reqs  Evaluate RRPUs integration/division	PET & MCU  MSG/RRPUs
11	Evaluate Employment Equity (EE) formula	MSG/RRPMAB
11b	Commend Police Force (PF's) re:EE	MSG
11a	State year for EE representation achieved	MSG/RRPMAB



## **Task Force Recommendations (1992)**



TASK FORCE RECOMMENDATIONS (1992)

1. The Task Force recommends that the Government of Ontario recognize and respond to the need for the Ministry of the Solicitor General to be more adequately positioned, profiled in government priority and, resourced in a manner which will allow the Ministry to provide the leadership, guidance, and support necessary for the development and maintenance of contemporary policing throughout Ontario as required by the Police Services Act, 1990.
2. The Task Force recommends that accountability processes and mechanisms be established in support of achievement of race relations and policing goals of the Ministry for the Deputy Minister, responsible Assistant Deputy Ministers and directors and managers and, that such mechanisms include establishment and reporting of evaluation of related programs.
3. The Task Force recommends the establishment of an Anti-Racism and Diversity Executive Committee chaired by the Deputy Minister and including those Assistant Deputy Ministers with responsibility for policing and corporate policy, the Commissioner of the Ontario Provincial Police, as well as the Director of the Race Relations and Policing Unit.
  - a) Further, the Task Force recommends that the Anti-Racism and Diversity Executive Committee be responsible for the development, coordination and implementation of an overall strategic plan for the Ministry's policing Divisions in so far as it relates to race relations and policing issues, inclusive of an anti-racism component.
  - b) Further, the Task Force recommends that the following be established as Ministry policing priorities and that these be included in the Ministry's strategic plan for its policing Divisions:
    - i) Community policing with a defined anti-racism component.
    - ii) The development of an anti-racism strategy which will work toward the elimination of

systemic barriers or biases in policies, practices and procedures both within the Ministry and within Ontario police forces.

- iii) The development, implementation and support of employment equity plans and initiatives within the Ministry itself and the support of such plans within police forces and police services boards.
- 4. The Task Force recommends the development and implementation of a comprehensive communication strategy directed both within the Ministry and to police forces outlining the ingredients of the Ministry's anti-racism strategy.
- 5. The Task Force recommends that an employment equity plan, inclusive of goals and timetables, be established specifically for the Ministry of the Solicitor General and, that this plan become a part of the Ministry's overall strategic plan. Goals should be set beyond the minimum requirements which may be established by legislation in order that the diversity of the Ministry is accelerated and quickly achieves representative numbers.
  - a) The Task Force further recommends that employment equity plans include measures for aggressive systemic barrier removal and the creation of environments which value, and are respectful of diversity.
  - b) The Task Force further recommends that orientation and training related to employment equity and race relations be quickly provided to all Ministry personnel and, that management and senior management receive enhanced training to include anti-racism and management of diversity. Training should be first developed and implemented for senior and mid-level managers and then for all other Ministry staff.
- 6. The Task Force recommends that the Director of the RRPB be a regular member of the Ministry's Senior Management Committee.

7. The Task Force recommends that an evaluation process be designed and commenced in time to inform properly the decision whether and in what manner the RRPUs is to be integrated into other Ministry Divisions. This evaluation process should investigate the possibility and value of the RRPUs becoming the Anti-Racism Division of the Ministry, rather than being integrated. The Director of the RRPUs should be a senior participant in the evaluation process.
8. The Task Force recommends that the Race Relations and Policing Unit be returned to earlier resource and staff levels.
9. The Task Force recommends, on the direction of the Deputy Solicitor General, that the Assistant Deputy Minister of Policing Services Division, the Assistant Deputy Minister of Corporate Policy and Issues Management Division, the Assistant Deputy Minister of the proposed Police Education and Training Division, and the Director of RRPUs be requested to develop written protocols to ensure proper linkages exist between the Unit and other affected Divisions in the Ministry.
10. The Task Force recommends that the Policing Services Division conduct an examination of its functions and procedures to ensure the existence of an infrastructure which will be supportive of, and consistent with the principles of the Police Services Act, 1990, and the obligations of the Division under Section 3(2) of the Act.
  - a) The Task Force further recommends that Policing Services Division, in conducting such an examination, consider the Task Force definition of "Contemporary Policing", set out on p.15 of this report, as the bench mark for re-evaluation of functions and procedures in all of the following areas:
    - i) Standards
    - ii) Employment Equity Outreach
    - iii) Inspections
    - iv) Monitoring
    - v) Community Policing
    - vi) Management Support to police forces

11. The Task Force recommends that prior to the 1995 employment equity plan period being developed, the Ministry of the Solicitor General, with the assistance of the proposed Race Relations and Policing Monitoring and Audit Board, evaluate the effects of the formula under the Employment Equity Plans Regulation. If it becomes apparent the formula will not achieve recruitment and promotion of a critical mass of racial minorities in police forces within necessarily brief time frames, the Ministry, in consultation with both police and community, ought to make such amendments to the formula as will be appropriate.
  - a) The Task Force recommends that in instances in which a police force followed minimum standards in setting hiring goals, the force be required, as part of the process of reviewing implementation of employment equity plans, to set out in writing the results of setting minimum hiring goals, and by what year the force anticipates it will be representative of the community it serves.
  - b) The Task Force recommends the Solicitor General, through a public process, command police forces which set and achieve goals exceeding minimum requirements under the Regulation.
12. The Task Force recommends that the Review Committee which evaluated initial employment equity plans be disbanded, and that the proposed Race Relations and Policing Monitoring and Audit Board, with appropriate staff and resources, evaluate, at intervals established under the Employment Equity Plans Regulation the development of employment equity plans and implementation of them. The evaluation process ought to include direct input from police services boards and chiefs of police, when deemed necessary.
13. The Task Force recommends that in the review of implementation of employment equity plans, the proposed Race Relations and Policing Monitoring and Audit Board ensure special emphasis is given to the review of the implementation of positive measures involving direct and lateral entry processes, and civilianization of sworn police officer positions.

14. The Task Force recommends that formal lateral entry and direct entry processes be developed by the Ministry of the Solicitor General for use by police forces.
15. The Task Force recommends that the Solicitor General amend section 9(4)(9) of the Employment Equity Plans Regulation to read "direct entry of members of prescribed groups to administrative positions, and, upon completion of basic and officer training programs, to operational positions."
16. The Task Force recommends that adequate resources be given to the development of bias-free selection processes, commencing with the adequate funding of the Constable Selection Project and further projects to develop processes for selection of each police officer rank.
  - a) The Task Force further recommends that upon completion of the Constable Selection Project, the Ministry of the Solicitor General begin to compile police recruit availability data based on the competencies developed by the Constable Selection Project, and further projects for all police officer ranks and that such availability data be used as an additional tool in assisting police forces in setting employment equity goals.
17. The Task Force again recommends the immediate establishment of the Central Police Recruiting Unit within Policing Services Division. The Task Force recommends the Unit be adequately staffed and resourced to fulfil the following duties:
  - a) to develop and implement aggressive marketing strategies to develop a pool of prescribed group candidates for police forces;
  - b) to utilize specially designed bias-free selection and testing instruments established by the Ministry;
  - c) to maintain a tracking and computer inventory of prescribed group candidates;
  - d) to train and support police forces in their employment equity marketing efforts;

- e) to assist with the training of police personnel in use of selection instruments;
- f) to research and provide mentoring and role model paradigms for use by police forces;
- g) to carry out further research in police recruitment, selection, hiring and promotion;
- h) to assist police forces in conducting employment systems reviews;
- i) to assist forces in developing proper human resources policies and procedures to meet barrier elimination and positive measures goals; and,
- j) to cooperate with the Ministry of Citizenship and the Ministry of Colleges and Universities in fulfilling its functions.

18. The Task Force recommends the Ministry of the Solicitor General, through a Central Police Recruiting Unit, develop a grants program for police forces for the purpose of providing them with financial assistance in undertaking employment systems reviews and in meeting barrier elimination and positive measures goals.

19. The Task Force recommends that all police forces large enough to have a separate Personnel or Human Resources Department ensure the person in charge of such a Department, having responsibility for the implementation of employment equity plans, be a civilian with expertise in human resources issues.

- a) The Task Force recommends that every police force which does not have a separate Personnel or Human Resources Department appoint a qualified Employment Equity Officer, committed to the position for a minimum of two years.
- b) The Task Force recommends that the Ministry of the Solicitor General take immediate steps to establish standards for the qualifications of Employment Equity Officers for all police forces throughout the province.

20. The Task Force recommends that the Ministry of the Solicitor General create, in consultation with the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police and the Police Association of Ontario, mechanisms for early retirement of police officers to facilitate employment equity initiatives.
21. The Task Force recommends that a review of whether hiring and promotional opportunities were underestimated in police force employment equity plans, or changed over the course of a plan period, be part of a race relations audit, the results of which are to be reviewed by the proposed Race Relations and Policing Monitoring and Audit Board.
22. The Task Force recommends the Ministry of the Solicitor General develop mechanisms to monitor the retention rate of racial minority officers within police forces, and when necessary, assist forces in implementing retention and career development strategies to ensure qualified racial minority officers remain in policing.
23. The Task Force recommends the creation of a new Division within the Ministry of the Solicitor General, to be called the Police Education and Training Division, headed by an Assistant Deputy Minister. The Police Education and Training Division should have over-all Ministry responsibility for police training and education in Ontario.
  - a) The Task Force further recommends that the Police Education and Training Division administer the Ontario Police College and that the Director of the Ontario Police College report to the Assistant Deputy Minister, Police Education and Training Division.
  - b) The Task Force further recommends that the Police Education and Training Division's responsibilities include the administration of the proposed police learning system.
  - c) The Task Force further recommends that the Police Education and Training Division assume responsibility for all functions proposed to be performed by the Ontario Police Learning System Board and have responsibility for maintaining the currency of race relations and anti-

racism components of the police learning system by:

- i) conducting ongoing research
- ii) determining and evaluating course relevance
- iii) overseeing the development and integration of race relations and anti-racism components into the content of all courses

d) The Task Force further recommends that the Police Education and Training Division's responsibilities include, in conjunction with the Race Relations and Policing Unit, the implementation of in-service race relations training for all police forces in Ontario.

e) The Task Force further recommends that the Police Education and Training Division be given authority to require periodic comprehensive management audits of all police training institutions and facilities.

f) The Task Force further recommends that to ensure that the Ministry of the Solicitor General maintains consistency and control in police education and training, the Police Education and Training Division be jointly responsible, along with the Ministry of Colleges and Universities, for the immediate implementation of the police learning system.

g) The Task Force further recommends that the Police Education and Training Division consult with the proposed Race Relations and Policing Monitoring and Audit Board and the Race Relations and Policing Unit to create an evaluation process which will ensure that the police learning system maintains recognition of Ontario's cultural and racial diversity and embodies such recognition in its mission statement and integrates race relations and anti-racism components throughout all of its courses.

h) The Task Force further recommends the Police Education and Training Division establish formal intra-Ministerial protocols with the Race Relations and Policing Unit for the development of and

delivery of in-service race relations training to police forces in Ontario.

i) The Task Force further recommends the following amendments to the police learning system:

i) the principles of the police learning system include reference to the integration of race relations and anti-racism principles.

ii) the mission statement for the police learning system include references to Ontario's diversity as described in this 1992 Task Force Report.

iii) employment equity objectives for police forces be stated and integrated into all courses covered by the system.

24. The Task Force recommends an Advisory Committee, with community and police representatives, be established, to report to the Assistant Deputy Minister, Police Education and Training Division. The duties of the Advisory Committee should include advising on the integration of race relations and anti-racism content to all aspects of the police education system and training.

25. The Task Force recommends that Level One of the in-service job-related anti-racism and diversity training be entitled Basic Sensitivity Training and, be at least a two day orientation course for the first year, and two day refresher every two years thereafter for all police personnel below the rank of Sergeant, and any civilian personnel in positions comparable to those ranks and that Level One training include components on: employment equity; race relations policy; conflict management and resolution; prejudice and discrimination; Charter of Rights and Freedoms; the Human Rights Code, 1981; and, the principles outlined in Section 1 of the Police Services Act, 1990, and include those principles outlining the need for commitment to community policing, and the need for police sensitivity to racial and cultural diversity.

a) The Task Force further recommends that Level Two of the in-service job-related anti-racism and diversity training be

entitled Advanced Sensitivity Training, and be of four days in length, and one day annually thereafter, for all police officers of the rank of Sergeant and Staff Sergeant, and civilian personnel in positions comparable to those ranks. In addition to the inclusion of topics covered in the Level One in-service anti-racism and diversity training, Level Two training should include such components as: diversity management; enhanced employment equity training; Police Services Act, 1990; and should seek to increase participants' understanding of contemporary policing.

b) The Task Force further recommends that Level Three of the in-service job-related anti-racism and diversity training be entitled Executive Race Relations and Management, and be a minimum length of eight days the first year and two to four days annually thereafter, for police management inclusive of the ranks of Inspector to Chief of Police, any civilian personnel in positions comparable to those ranks, and members of police services boards. This course ought to be broken into two day segments and, in addition to Level Two content, should include components on: values formation; effective leadership and management styles which complement community policing; appreciation of racial, cultural and historical antecedents; and managing organizational change.

26. The Task Force recommends the Anti-Racism and Diversity Executive Committee, in consultation with the proposed Race Relations and Policing Monitoring and Audit Board, target police forces which will first receive comprehensive in-service race relations training. In targeting forces which will first receive in-service training, the racial and cultural diversity of the community and visitor population the force serves ought to be considered.

27. The Task Force recommends that when a force selected for in-service race relations training can demonstrate need, the Ministry of the Solicitor General grant financial or other support to provide the force with the ability to make officers available for training.

- a) The Task Force further recommends that when police forces with less than 100 employees lack the resources to implement race relations training that protocols be developed between such forces and the O.P.P. or other suitably resourced police forces to provide support.
- 28. The Task Force recommends that the Interactive Laser Video be provided to the Race Relations and Adult Education Unit of the Ontario Police College for recruit and advanced training purposes.
  - a) The Task Force further recommends that police forces which can demonstrate need receive support from the Ministry in provision of trained facilitators and equipment for the delivery of this training.
- 29. The Task Force recommends the Ministry of the Solicitor General ensure sufficient funding is provided to the Ontario Police College's Program Development and Evaluation Division to ensure that it can adequately fulfil its functions.
  - a) The Task Force further recommends that the Ministry of the Solicitor General appropriately resource the Ontario Police College Race Relations and Adult Education Unit, in order that the Unit can fully and comprehensively develop anti-racism, diversity and race relations course content and integrate such content into all courses delivered at the College.
- 30. The Task Force recommends that an immediate comprehensive management audit of the Ontario Police College be conducted to assess its:
  - i) organizational structure
  - ii) mandate
  - iii) management capacity
  - iv) adult education capacity
  - v) instructor selection criteria
  - vi) capacity for curriculum development and course design
  - vii) course evaluation mechanisms
  - viii) mode and level of testing participants
  - ix) race relations training capacity
  - x) employment equity plans
  - xi) training materials as they relate to the

- xii) appropriate depiction of minorities learning environment to ensure that the concepts of equity and diversity as established in the principles of the police learning system are entrenched therein
- xiii) location in Aylmer as it affects the ability of the Ministry to supervise the College effectively, and the ability of the College to attract instructors of excellence and diversity

31. The Task Force recommends the Ministry of the Solicitor General amend clause 1(2)(i.2) of the Code of Conduct in the Regulation to the Police Services Act, 1990 to include the words "or gesture(s)" after the word "language".

- a) The Task Force further recommends the Ministry of the Solicitor General conduct appropriate research to determine whether Clause 1(2)(i.1) of the Code of Conduct should be amended to add the words "or harasses a person" after the words "police services".

32. The Task Force recommends that the Ministry of the Solicitor General amend its proposed Race Relations Policy so that it is consistent with the Human Rights Code, 1981 and the Code of Conduct under the Regulations to the Police Services Act, 1990 in its identification of grounds for discrimination.

- a) The Task Force further recommends the policy set out clearly the right of the community to participate in the setting of policing policies and priorities.
- b) The Task Force further recommends the Ministry of the Solicitor General prepare the amended Race Relations Policy for immediate enactment by Regulation to be adopted by all police forces in Ontario.

33. The Task Force recommends that the Policing Services Division of the Ministry of the Solicitor General be assigned responsibility, and be properly resourced to provide the Ministry with the capacity to articulate and promote effectively the community policing philosophy as it is embodied in the shift of focus from the Police Act to the Police Services Act, 1990.

- a) The Task Force further recommends Policing Services Division be renamed Community and Policing Services Division.
- b) The Task Force further recommends that a Community Policing Branch be created within the Division with a Director responsible and accountable for the advancement of community policing throughout Ontario.

34. The Task Force recommends that there be an evaluation conducted of the effectiveness of the Grants Program in developing improved community and police relations and that if this approach proves to have been effective, the Grants Program be appropriately funded and staffed.

35. The Task Force recommends that the Ministry of the Solicitor General, in cooperation with police services boards and chiefs of police, conduct an evaluation of the form, function, and usefulness of race and ethnic relations units.

36. The Task Force recommends that the race relations policy of the Ministry of the Solicitor General to be enacted include a statement consistent with Recommendation 51 of our 1989 report and that in addition to race and colour, country of origin of a suspect only be referred to when it is an investigative requirement.

37. The Task Force recommends that the jurisdiction of the Special Investigations Unit be more clearly defined and the funding and resources available for its operation be commensurate with that jurisdiction. The jurisdiction of the Unit and the allocation of resources in support of that jurisdiction must be closely matched.

- a) The Task Force further recommends if the resources in support of the Unit are not granted sufficiently to meet its present mandate, the jurisdiction of the Special Investigations Unit be limited to the conduct of investigations into the circumstances of any police shooting causing injury or death, or of any other police use of force causing death.
- b) The Task Force further recommends that the Special Investigations Unit should

use civilian investigators to work in partnership with seconded police officers. No seconded police officer and no other Unit investigator should be permitted to participate in an investigation that relates to members of a police force of which he or she is, or was, a member.

38. The Task Force recommends that the Ministry of the Solicitor General state whether the Race Relations and Policing Monitoring and Audit Board is intended to be permanent or temporary and, if temporary, what alternative is intended for fulfilment of its functions on an ongoing basis.
39. The Task Force again recommends that the Government of Ontario initiate, in conjunction with the government of Canada and representatives of Native people, the establishment of a tri-partite task force.
  - a) The Task Force further recommends that the purpose of the tri-partite task force be as follows:
    - i) to assess the information available on the feasibility, necessary structures and processes of Native justice systems in Ontario;
    - ii) to undertake further studies as required to complete the information;
    - iii) to identify and assess the level of resources currently devoted to the development of Native justice systems;
    - iv) to develop criteria for the funding of Native justice system pilot projects;
    - v) to review and determine the priority of pilot projects at present submitted to government and awaiting funding;
    - vi) to develop a formal process for the funding of future pilot projects of Native justice systems.

40. The Task Force recommends the Ministry of the Solicitor General take immediate steps to ensure adequate resources are committed to developing prescribed standards of service relating to police services boards.
  - a) The Task Force further recommends the Solicitor General establish, adequately fund, and deliver further enhanced, and more frequent, training programs for police services board members.
  - b) The Task Force recommends that anti-racism and diversity training be mandatory for all police services board members throughout the province.
41. The Task Force recommends the Ministry of the Solicitor General include in its police force inspections, an audit of whether police services boards are complying with roles and responsibilities outlined in Section 31 of the Police Services Act, 1990. If such roles and responsibilities are not being complied with due to a lack of resources, it is recommended the Ministry of the Solicitor General provide adequate support to police services boards in order that boards may fulfil their legislative duties and responsibilities.
42. The Task Force recommends the Ministry of the Solicitor General include in its police force inspections, an audit of whether police services boards have taken steps to comply with the requirements of Recommendation 57(a) of the 1989 Task Force Report following which the Ministry conduct an analysis of the funding requirements needed for boards to meet those requirements. The Task Force recommends further government consideration for the transfer of funds to the Ministry of the Solicitor General to meet the requirements of recommendation 57(a) including the capacity for an independent research function.

TASK FORCE INTERIM REPORT ON USE OF FORCE AND CODE OF CONDUCT  
(August 10, 1992)

Use of Police Firearm

1. The Task Force recommends that the words "or

"serious bodily harm" be deleted from Section 8 of the proposed regulation.

2. The Task Force recommends that, if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, there is urgent need for the immediate implementation of our former recommendations 27, 28 and 29.
3. The Task Force recommends that if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, that proposed New Section 12.4 be amended to include tactics specifically and that the detailed curriculum guidelines to be set out in Ministry standards include tactical and situational shooting training.

#### Use of Force Reporting

4. The Task Force recommends that the phrase "that results in an injury requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.
5. The Task Force recommends if the Ministry does not require a report whenever an officer uses physical force on another person, that the phrase "requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.

#### Reporting Use of Firearm

6. The Task Force recommends that Section 12.5(1)(a) of the proposed regulation not be amended, except that reporting of the drawing of a handgun need not be required if no member of the public is present.

#### Less than Lethal Force Options

7. The Task Force recommends that the Ministry of the Solicitor General move expeditiously by regulation to prohibit the use by police of the carotid restraint.

#### TASK FORCE INTERIM REPORT ON MONITORING (August 17, 1992)

1. The Task Force recommends the establishment by amendment to the Police Services Act of a body to

be known as the Race Relations and Policing Monitoring and Audit Board. The Board should have a full-time Chair and 9 part-time members, with representation that is equitable in terms of gender balance, geographic distribution, and racial and linguistic diversity, who shall be appointed by the Lieutenant Governor In Council. Three of the part-time members should have a policing background, but not be serving police officers. The Board should have its own administrative and research staff. The Board should report and make recommendations to the Solicitor General, who should have authority to enforce compliance with audit recommendations of the Board. Police Services Boards should be required to respond to the Board with plans of action for implementing audit recommendations.

The designated roles and responsibilities of the Race Relations and Policing Monitoring and Audit Board shall be:

- a) To monitor and review the interaction of racial minorities and police in the areas of employment, training, community relations, use of force, public complaints, media relations, policies on race relations, and access to services.
- b) To receive periodic reports from any Division, Unit, or Branch of the Ministry engaged in matters related to issues of race relations and policing on any such issues inclusive of, but not limited to the following areas:
  - i) Employment equity;
  - ii) Race relations training;
  - iii) Community/Police relations;
  - iv) Race relations policy development.
- c) To assess, on an on-going basis, the work of the Ministry in all such areas, and to recommend to the Minister a course of action to be taken arising from an assessment of reports.
- d) To direct the work of its Research staff, through which the Board shall identify emerging issues in the interaction between racial minorities and police and bring to the Solicitor General's attention the need for changes in policy or initiatives.
- e) To evaluate, at intervals set up under the Employment Equity Regulation, the implementation of police employment equity

plans. The evaluation process shall include direct input from police services boards and chiefs of police, when deemed necessary.

- f) To evaluate and report to the Minister on recruitment strategies prepared within the Ministry and police services.
- g) To develop a race relations audit methodology.
- h) To determine which police services shall undergo a Policing Services Division race relations audit, and at what times.
- i) To receive audits from Policing Services Division, and evaluate the audits, make recommendations to the Minister, and to comment publicly on the audits.
- j) To obtain and review the action plan of a police service board to implement audit recommendations.
- k) To report annually, to the Solicitor General, on the progress made in race relations and policing throughout the province, and to release interim reports during the course of any given year as it sees fit. The Board shall ensure all of its reports are made available to the public.
- l) To receive, on a regular basis, submissions from the community.

# Appendices



**Appendix A**

**TASK FORCE RECOMMENDATIONS**

**(1989)**



## RECOMMENDATIONS

### Monitoring

1. The Task Force recommends that, by September, 1989, the Government of Ontario through the Solicitor General create an agency, by statute, with appropriate staff and a Board of Commissioners, to be known as the Ontario Race Relations and Policing Review Board.  
(Page 44)
2. The Task Force recommends that the first Board of Commissioners of the Ontario Race Relations and Policing Review Board be comprised of three full-time civilians appointed by the Lieutenant Governor in Council, on the recommendation of the Solicitor General, for a term of three years, renewable for a further three-year term, and have:
  - i) a member with a policing background;
  - ii) a majority of visible minority members;
  - iii) a Chair who is, preferably, a visible minority.  
(Page 46)
3. The Task Force recommends that the Solicitor General require all police institutions and police governing authorities to prepare action plans in response to the recommendations of this Task Force which are accepted by the Solicitor General and to submit those plans to the Review Board for its consideration.  
(Page 48)
4. The Task Force recommends that the designated roles and responsibilities of the Ontario Race Relations and Policing Review Board be:
  - a) To promote a climate of healthy interaction between racial minorities and police forces in Ontario.
  - b) To monitor and review the interaction of visible minorities and police in the areas of employment, training and community relations.

- c) To provide the Solicitor General, the Government and Legislature of Ontario with periodic and annual reports on police and visible minority relations.
- d) To anticipate trends and identify emerging issues in the interaction between visible minorities and police and bring to the Solicitor General's attention the need for policy or initiative changes, either on its own or at the request of the Solicitor General.
- e) To provide assistance to the Solicitor General in the implementation of recommendations of the Race Relations and Policing Task Force.
- f) To collect, review and assess data in relation to the implementation of recommendations of the Race Relations and Policing Task Force.
- g) To provide on-going consultation to police governing authorities, Chiefs and Commissioners of Police and police training institutions in order to facilitate the establishment of regional and police agency-specific action plans to address issues related to police and visible minority relations.
- h) To establish and maintain on-going consultation with the Ontario Association of Chiefs of Police and the Municipal Police Authorities regarding regional action plans which have province-wide implications.
- i) To establish a research capacity to evaluate the degree and impact of racism in policing.
- j) To provide on-going consultation to police governing authorities, Chiefs and Commissioners of Police, police associations and police educational institutions on the implementation of policies related to emerging issues in the relationship of visible minorities and police as identified by the Solicitor General of Ontario, the

Policing Services Division, the Ontario Police Commission, the Ontario Association of Chiefs of Police, the Municipal Police Authorities, the community and the Review Board itself.

- k) To perform an audit of police policies, practices and procedures as they relate to the interaction of visible minorities and police.
- l) To review and advise on the race relations action plans of police organizations prior to their implementation.
- m) To receive, assess and approve:
  - (i) by June 1990, an initial visible minority employment equity policy, including a five-year program of hiring and promotional goals and timetables, from all police governing authorities and police forces;
  - (ii) thereafter, an annual report on the preceding year's response to visible minority employment equity goals and timetables from all police governing authorities and police forces;
  - (iii) an annual visible minority employment equity plan, pertaining to the ensuing five years, from all police forces.
- n) To establish, in consultation with policing institutions, visible minority employment equity goals and timetables in cases in which the plans developed independently by institutions do not meet with Board approval.

- o) To report the failure of police organizations to meet approved or established employment equity goals and timetables:
  - (i) to the Solicitor General;
  - (ii) to the Ontario Human Rights Commission for investigation and action as an allegation of systemic discrimination.

(Page 50)

5. The Task Force recommends that the Ontario Race Relations and Policing Review Board report:

- a) Annually, to the Legislature of Ontario through the Solicitor General but separately from the annual report of the Solicitor General.
- b) Quarterly, on a consultative basis to the Cabinet Committee on Race Relations.

(Page 53)

#### Hiring and Promotion

6. The Task Force recommends that the Solicitor General seek to require, by regulation, all police governing authorities, and provincial and municipal police forces to establish a visible minority employment equity policy and a five-year program of hiring and promotional goals and timetables for all sworn peace officer and civilian positions by December, 1989.

- a) Further, the Task Force recommends that these policies and programs be required, by regulation, to be submitted to the Ontario Race Relations and Policing Review Board for approval by a staff Employment Equity Inspector by not later than June 1990.
- b) Further, the Task Force recommends that if a visible minority employment equity policy or program is not approved by the Review Board Employment Equity Inspector

that the policy or program be forthwith submitted to the Board of Commissioners of the Review Board for hearing and review and establishment of the policy or program by the said Board of Commissioners within 30 days.

- c) Further, the Task Force recommends that each police force, whose five year visible minority program of hiring and promotional goals and timetables has been approved or established by the Review Board, shall be required, by regulation, to submit annually thereafter a report to the Review Board describing its progress in achieving the approved or established visible minority hiring and promotional goals for the previous year and outlining, for approval or establishment by the Review Board, its visible minority hiring and promotional goals and timetables for the following five years, with the result that a five year plan will always continue to be in effect.
- d) Further, the Task Force recommends that in any year in which a police force has failed to achieve its approved or established visible minority hiring and promotional goals and timetables, the Review Board shall be empowered to refer the failure of the force to the Ontario Human Rights Commission as an allegation of systemic discrimination in employment practices by the said force for the Commission's investigation, determination and remedy, if appropriate.
- e) Further, the Task Force recommends that the Review Board annually report on and refer any such failures by a police force to meet its approved or established visible minority hiring and promotional goals and timetables to the Solicitor General for the Minister's assessment and when appropriate, recommendation to the government that the annual unconditional provincial per capita policing grant be withheld from the municipality responsible for the

maintenance of that police force. Similar financial sanctions should be considered in relation to the Ontario Provincial Police when appropriate.

- f) Further, the Task Force recommends that the visible minority employment equity policies and hiring and promotional programs be required to reflect the appropriate representation of visible minority women, as well as visible minority men, available in the workforce.
- g) Further, the Task Force recommends that the Review Board consider 1996 as the year for the achievement of the goal of all Ontario police forces being representative of the racial diversity of the communities they serve.

(Page 75)

7. The Task Force recommends that, by 1990, the Solicitor-General, after consultation with the police governing authorities, the Ontario Association of Chiefs of Police and the Police Association of Ontario, develop mechanisms by which lateral entry by members of other forces or direct entry by qualified civilians will be accomplished, thereby allowing entry at ranks above constable.

- a) Further, the Task Force recommends that, by 1990, the Policing Services Division of the Ministry of the Solicitor General design an Officer Training Program to be offered at the appropriate police educational institution for all candidates seeking command and senior officer rank whether from within lower ranks of the forces, by lateral entry from another force or by direct entry from civilian occupations.
- b) Further, the Task Force recommends that, by 1993, the Race Relations and Policing Review Board consider lateral entry and direct entry processes as well as accelerated promotional plans for the recruitment of visible minorities at all senior ranks when approving the goals and timetables of Ontario police forces.

(Page 80)

8. The Task Force recommends that the Solicitor General require each police governing authority to review immediately all sworn peace officer positions, at all levels, to determine which may be staffed by civilians and to convert such positions to civilian status by December 1989 and to include all civilian positions within required visible minority employment equity policies and hiring and promotional programs of goals and timetables to be submitted to the Ontario Race Relations and Policing Review Board by December 1989.

(Page 81)

9. The Task Force recommends that, by April, 1990, the Solicitor General establish a Central Police Recruiting Unit as part of the Policing Services Division to serve all police forces in Ontario; the functions of this unit to include the following:

- a) To recruit police officers, with special emphasis on visible minority officers, to fill the stated needs of police forces;
- b) To develop or acquire in consultation with police management and the Ontario Race Relations and Policing Review Board, bias-free recruitment, testing and selection instruments and processes.
- c) To develop, maintain and publish relevant data on the composition of Ontario's police forces with special reference to recruitment, selection, hiring and promotion of those candidates from the pool established by the Central Recruiting Unit.
- d) To conduct appropriate research in police recruitment issues.

(Page 83)

10. The Task Force recommends that, by December 1989, the regulations of the Police Act be amended to require all police forces to allow members of the Sikh religion to wear their religious symbols,

including the Turban and the Five K's, while serving in every facet of policing. The following standards might be considered as requirements:

- (i) Unshorn beard be dressed in the traditional fashion.
- (ii) Turban style, colour and fabric to conform to uniform standards.
- (iii) The Kirpan to be no longer than nine inches in its total length.

10. a) Further the Task Force recommends that the Solicitor General ensure that no person be deprived of police employment by reason of religious dress or other requirements which can be reasonably accommodated.

(Page 84)

11. The Task Force recommends that, by 1990, the Ministry of the Solicitor General develop and make available to the Ontario Provincial Police and municipal policing authorities and police administrations an Organizational Climate and Employee Satisfaction Survey to be administered to visible minority officers and civilian employees in order to assess their adjustment within, treatment by and satisfaction with their respective police forces and to enable appropriate action to be taken; the summary results of such surveys to be reported to the Solicitor General and to the Race Relations and Policing Review Board.

(Page 86)

12. The Task Force recommends that the Solicitor General establish an award of excellence to be given annually, or when warranted, to the force or forces which have performed meritoriously in achieving employment equity goals in employment, promotions and the creation of an hospitable working climate for visible minority officers and civilian employees. Input from police officers should be an essential ingredient in making the selections.

(Page 87)

### Race Relations Training

13. The Task Force recommends that the Solicitor General encourage police forces to facilitate the enrolment of officers in university level courses through funding support, shift accommodation and promotional opportunities.

a) Further, the Task Force recommends that the Solicitor General undertake consultation with Ontario universities for the purpose of designing courses to enable officers to achieve university entrance requirements while on duty.

(Page 100)

14. The Task Force recommends that the Police Act be amended to require successful completion of Grade 12 or an equivalent completion of secondary school for admission to the Ontario Police Service.

(Page 100 )

15. The Task Force recommends that the Police Act be amended to require all applicants to police forces to complete successfully a training program at the Ontario Police College prior to employment as a police officer.

(Page 101)

16. The Task Force recommends that the Policing Services Division of the Ministry of the Solicitor General monitor the implementation of the "coach-officer" program.

a) Further, the Task Force recommends the establishment by the Police Services Division of stated standards to be met by coach-officers, including refresher training and training in race relations.

b) Further, the Task Force recommends that a mechanism be designed by the Policing Services Division to evaluate the effectiveness of coach-officer programs.

(Page 102)

17. The Task Force recommends that, commencing in January 1990, the Solicitor General require all officers to attend at the Ontario Police College for a four-week refresher training course at five years of service and every five years thereafter.

17. a) Further, the Task Force recommends that the Solicitor General require the Ontario Police College to ensure that the said refresher training course includes a significant component of professionally evaluated race relations training and that it integrates race relations issues throughout the curriculum.

(Page 103)

18. The Task Force recommends that students attending the recruit police training program be required to pay a reasonable contribution towards tuition and any reasonable expenses associated with such training.

a) Further, the Task Force recommends that the Solicitor General request the Minister of Colleges and Universities to secure the amendment of the Ministry of Colleges and Universities Act in order to provide bursaries and loans to recruits attending the Ontario Police College.

(Page 104)

19. The Task Force recommends that the Police Act be amended to provide the Solicitor General with responsibility for setting and maintaining the standards for all police training in Ontario.

a) Further, the Task Force recommends that the Solicitor General review the adequacy of current recruit and refresher training courses, whether offered in-service or at the Ontario Police College, to ensure standardized training throughout Ontario.

b) Further, the Task Force recommends that this review include an assessment of current training standards, instructor qualification, mechanisms for evaluating training programs, and recommendations for improvement in these areas when warranted.

c) Further, the Task Force recommends that, by April 1990, the Solicitor General submit a report to the Legislature on the province-wide review of training.

(Page 105)

20. The Task Force recommends that the Solicitor General require all probationary constables to complete a two to three-month internship with a visible minority community organization.

a) Further, the Task Force recommends that the Solicitor General require all officers to complete a further two to three-month internship with a visible minority community organization prior to being considered for promotion.

(Page 106)

21. The Task Force recommends that the Solicitor General, through the Police Act, require that all police officers, including senior command officers, civilian staff, police commissioners and members of committees of council, receive race relations training on a continuing education basis.

(Page 109)

22. The Task Force recommends that the Solicitor General impose an immediate moratorium on all race relations training programs and planned initiatives pending the review and replacement of all existing race relations training programs.

a) Further, the Task Force recommends that the Solicitor General require that, by January, 1990, the instructional materials and training programs used by all police forces and training institutions be reviewed jointly by the Solicitor General, the Municipal Police Authorities, the Ontario Association of Chiefs of Police, the Police Association of Ontario, the Ontario Race Relations and Policing Review Board and civilian consultants for the purposes of developing a basic race relations training program and integrating race relations issues into all aspects of police training.

b) Further, the Task Force recommends that the review of training materials ensure that visible minority civilians and police officers of both sexes be appropriately depicted in all departments and in all ranks, interacting with each other and with white officers and civilians.

- c) Further, the Task Force recommends that all police race relations training manuals be available for review by the public.
- d) Further, the Task Force recommends that, by June 1990, a race relations program be designed jointly by the Solicitor General, the police, representatives of visible minority communities and civilian consultants with expertise in race relations training for use by all police forces, training institutions and police governing authorities.
- e) Further, the Task Force recommends that this program be implemented by all police forces, training institutions and police governing authorities by December 31, 1990, and be monitored and evaluated every year for the first three years and every five years thereafter by the Ontario Race Relations and Policing Review Board.

(Page 113)

- 23. The Task Force recommends that, by January 1990, the Solicitor General require the Ontario Police College, in consultation with the Ontario Race Relations and Policing Review Board and civilian experts, to design a train-the-trainers program for all Ontario police race relations training officers.

- a) Further, the Task Force recommends that the train-the-trainers program be evaluated by the Ontario Race Relations and Policing Review Board every year for the first three years and every five years thereafter.

(Page 116)

- 24. The Task Force recommends that the Ontario Race Relations and Policing Review Board be required to undertake a long term study of police race relations training and its effect on the interaction of officers with visible minority communities.

(Page 117)

### Use of Force

25. The Task Force recommends that Section 9(b) of Regulation 790 under the Ontario Police Act be revoked.

a) Further, the Task Force recommends that section 9(d) of Regulation 790 be amended to read as follows:

"to call for assistance in a critical situation when there is no reasonable alternative".

b) Further, the Task Force recommends that Section 8 of Regulation 790 be correspondingly amended to read as follows:

"No member of a police force shall draw his revolver except when he believes it may be necessary for the protection of his or her life or the life of another".

(Page 129)

26. The Task Force recommends that the Government of Ontario petition the Government of Canada to amend section 25(4) of the Criminal Code to restrict its applicability to situations in which the fleeing offender poses an immediate threat of death to police officers or others.

(Page 131)

27. The Task Force recommends that more time be spent on tactical training for recruits at the Ontario Police College and that such training be examinable. An officer's on-duty performance with respect to tactical manoeuvres must be monitored and be a factor for the purposes of performance appraisal and promotional opportunities.

(Page 135)

28. The Task Force recommends that firearms training for recruits at the Ontario Police College be improved to address more fully, through discussion and the use of computerized scenarios, the discretion afforded police officers with respect to the use of deadly force.

(Page 136)

29. The Task Force recommends that the Ontario Police College should be given funding to enable it to provide realistic conditions for recruit firing practice.  
(Page 138)
30. The Task Force recommends that an inquiry be conducted into the feasibility of issuing firearms to new constables only after they have acquired a certain amount of on-duty experience.  
(Page 139)
31. The Task Force recommends that Regulation 790 of the Ontario Police Act be amended to make it compulsory that every police officer in the province requalify annually, to the satisfaction of the Ontario Police College, in physical fitness and biennially in the use of the baton and holds.  
(Page 140)
32. The Task Force recommends that Regulation 790 of the Ontario Police Act be amended to make annual requalification by the Ontario Police College in the use of firearms and the relevant laws mandatory for all police officers.  
(Page 141)
33. The Task Force recommends that all police forces should encourage officers in addition to formal training, to practice and improve their marksmanship skills by offering free ammunition for practice purposes, and marksmanship badges for attaining levels of skill higher than minimum requirements.  
(Page 142)
34. The Task Force recommends that patrol supervisors on all police forces should be required to conduct random spot-checks of ammunition actually being used by officers in the line of duty and to report their findings monthly to the Chief of Police who would then convey the results to police governing authorities on a quarterly basis.
  - a) The Task Force further recommends that any officer found to be in possession of firearms or ammunition not authorized by the Police Act should be subject to discipline pursuant to the Code of Offences in the Regulations under the Police Act.  
(Page 144)

35. The Task Force recommends that Regulation 790 under the Police Act be amended to require that reports be completed by police officers when any form of force has been used and that such reports be filed with and analyzed by the Policing Services Division of the Ministry of the Solicitor General.

(Page 146)

36. The Task Force recommends that the Solicitor General create an investigative team to investigate police shootings in Ontario. That team should be comprised of homicide investigators chosen from various forces other than the force involved in the shooting, together with at least two civilian members drawn from government investigative agencies independent of the Ministry of the Solicitor General. When warranted, criminal charges should be laid within 30 days of commencing the investigation except when special circumstances justify extension.

(Page 150)

#### Community Relations

37. The Task Force recommends that the Policing Services Division in consultation with the Ontario Association of Chiefs of Police, and the Ontario Human Rights Commission, develop a working definition of racially prejudiced police behaviour.

a) Further, the Task Force recommends that the resulting definition of racially prejudiced behaviour be incorporated into Regulation 791 of the Police Act as a disciplinary offence, whether directed at visible minority persons within or outside the police force.

b) The Task Force further recommends that the Policing Services Division, in consultation with the Ontario Association of Chiefs of Police and the Ontario Human Rights Commission prepare, for enactment, a Police Race Relations Policy, similar to the "Ontario Policy on Race Relations", which reflects police commitment to policing for a multiracial and multicultural society, and that this policy be adopted by all police forces in Ontario by December 1989.

(Page 156)

38. The Task Force recommends that the Solicitor General select community policing models appropriate for police forces throughout the province and that the Solicitor General encourage, facilitate and convince police governing authorities and police forces to commit resources to community policing by January 1991.  
(Page 163)

39. The Task Force recommends that police forces institute or expand outreach programs in which police officers regularly attend schools, citizenship classes, and organization meetings in the community to explain their role and function to members of the community.

a) Further, the Task Force recommends that the Solicitor General petition the Minister of Education to ensure that Ontario Boards of Education institute change in the curriculum at all educational levels to provide sound instruction in matters of law enforcement and legal rights and the promotion of racial and cultural understanding and tolerance.  
(Page 164)

40. The Task Force recommends that police forces in Ontario create an achievement medal recognizing outstanding service in community policing. This medal should be of equal prestige to, and presented at the same ceremony as, other police awards.  
(Page 164)

41. The Task Force recommends that the Solicitor General encourage all police forces to establish race and ethnic relations units, when the visible minority population so warrants, of a size large enough to reflect and accommodate the visible minority population. The Solicitor General should prepare and publish guidelines as to the composition and function of such units. At a minimum, every force should assign responsibility for such matters to a senior officer.  
(Page 166)

42. The Task Force recommends that race and ethnic relations units be staffed by officers transferred from various sections of the police force and who are periodically rotated. Appropriate civilian members of the force should supplement some officers on these units.  
(Page 167)

43. The Task Force recommends that Chiefs of Police select officers for race and ethnic relations units for their interest in and aptitude for community-based policing as it relates to visible minorities and that these officers be provided with extensive training in negotiation, crisis intervention, race relations and culture-specific knowledge.  
(Page 168)
44. The Task Force recommends that all police forces in consultation with the Ministry of Citizenship conduct a demographic survey of their jurisdiction in order to determine the size and nature of the visible minority population which they are policing.  
(Page 168)
45. The Task Force recommends that race and ethnic relations units become central to police force operations and report directly to the Chief or Deputy Chief of Police.  
(Page 170)
46. The Task Force recommends that the work of officers within the race and ethnic relations unit receive positive consideration in the promotional process and that such units be staffed with some officers of a rank higher than constable.  
(Page 170)
47. The Task Force recommends that, by April 1990, the Solicitor General in concert with the Ministry of Citizenship convince police governing authorities and Chiefs of Police to establish and fund local community consultation committees, comprised of police and members of the community, to discuss matters of mutual concern. Membership in such groups should be reviewed regularly to ensure that representation fully reflects the community's visible minority population.  
(Page 172)
48. The Task Force recommends that, commencing in 1990, the Solicitor General, in concert with the Ministry of Citizenship, host annual regional symposia at which community consultation committees can exchange and compare experiences.  
(Page 173)
49. The Task Force recommends that the Chiefs of Police of forces with more than 100 members, whose communities are identifiably racially diverse, establish visible minority advisory committees to discuss issues or concerns which affect the force and the visible minority community.  
(Page 173)

50. The Task Force recommends that the Solicitor General, in consultation with the Ontario Race Relations and Policing Review Board, the Ministry of the Attorney General, the Ministry of Citizenship, the Municipal Police Authorities, the Ontario Association of Chiefs of Police, the Police Association of Ontario and municipal governments and relevant community organizations, develop a crisis response mechanism for adoption and use by government, police institutions and community organizations.

(Page 174)

51. The Task Force recommends that media relations units within police forces, with the approval of their police governing authority develop, a policy with respect to the release of information relating to race and crime. Specifically, the race or colour of an accused should never be publicized. The racial characteristics of a particular suspect wanted for criminal acts should only be referred to when it is an investigative requirement.

(Page 180)

52. The Task Force recommends that officers whose performance indicates that they have difficulty addressing race relations issues be required to attend remedial courses and that their performance following such training be formally monitored.

(Page 181)

53. The Task Force recommends that police forces create an award for officers who exhibit skill in identifying and addressing race relations issues in the course of their duties. This award should be of equal prestige to, and presented at the same ceremony as, other police awards.

(Page 182)

#### First Nations People's

54. The Task Force recommends that the Government of Ontario initiate, in conjunction with the Government of Canada and representatives of native peoples, the establishment of a tri-partite task force for the purpose of studying the feasibility and necessary structures and processes of native justice systems in Ontario, and recommending working models thereof as pilot projects, and that this tri-partite task force be created and operational within one year of the filing of this report of the Race Relations and Policing Task Force.

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## POLICE COMMISSIONS

55. The Task Force recommends that the Solicitor General take immediate steps to ensure that, as vacancies arise, membership on local police boards reflects the diversity of the community being served and that there is adequate visible minority representation on each board. In jurisdictions in which there is no Board of Commissioners of Police, the Committee of Council should be responsible for involving police visible minority members in an "ex officio" capacity.  
(Page 191)

56. The Task Force recommends that the Police Act be amended to define the role, authority and responsibilities of Boards of Commissioners of Police and Police Committees of Council.

a) The Task Force further recommends that the Police Act be amended to grant to the Solicitor General a residual power to assume the role, authority and responsibility of a Police Commissioner or Police Committee of Council in respect of any matter about which the said Commissioner or Committee has abdicated its statutory obligation.  
(Page 193)

57. The Task Force recommends that the Police Act be amended to provide that the Chair of Boards of Commissioners of Police be appointed directly to that position by the Lieutenant Governor in Council on the recommendation of the Solicitor General.

a) The Task Force further recommends that Boards of Commissioners of Police be required:

(i) to be housed in non-police buildings;

(ii) to have non-police staff sufficient to fulfil their statutory obligations, and;

(iii) to house non-police equipment and supplies sufficient to meet their statutory obligations.

b) Further, the Task Force recommends that the Ministry of the Solicitor General be granted sufficient funds for transfer to those Commissions to enable them to meet the requirements of this recommendation.



**Appendix B**

**INTERIM REPORT**

**POLICE USE OF FORCE AND CODE OF CONDUCT**  
**(August 10, 1992)**

**JUNE 16, 1992 - POSITION PAPER**

**SEPTEMBER 4, 1992 - ANNOUNCEMENT**



THE TASK FORCE ON RACE RELATIONS AND POLICING  
INTERIM REPORT

RESPONSE TO PROPOSED REGULATIONS UNDER THE POLICE SERVICES ACT  
USE OF FORCE / CODE OF CONDUCT  
AND THE JUNE 16, 1992 ANNOTATED REGULATIONS POSITION PAPER  
OF THE MINISTRY OF THE SOLICITOR GENERAL

To: The Solicitor General of Ontario

August 10, 1992



## INTRODUCTION

The Task Force made several recommendations in 1989 regarding police use of force. The Government of Ontario has responded to these recommendations in a number of ways through the proposed regulations regarding Use of Force pursuant to the Police Services Act. The Task Force reported on April 11, 1989. These proposed regulations were released for public consultation on June 16, 1992.

In commenting on these proposed regulations, we have had the opportunity to consider the summary of views of the Committee on Public and Officer Safety and have taken them into account in arriving at our conclusions. Our seven recommendations are listed at the end of this report.

## PART ONE - USE OF FORCE

### A. Use of a Police Firearm

The Task Force supports the suggested deletion of Sections 6 and 7 from proposed Regulation 790 as supportive of the intent of Task Force recommendation 25(b) and as necessary to ensure that the proposed new Sections 8 and 9 establish the entire authority vested in police officers to draw a handgun and to discharge firearms in the performance of duty. Further, we support the proposed use of

the same general test for both the drawing of a handgun and the discharge of a firearm.

However, we do not support the present formulation of the test for both the drawing of a handgun and the discharge of a firearm. We continue to have concern over permitting the police to draw a handgun or to discharge a firearm when necessary to protect against "serious bodily harm." The Task Force had recommended limiting this authority to protection of life on the basis that including "serious bodily harm" created a distinction which bore little relevance in practice and which might be unduly permissive and lead to use of lethal force in less than appropriate circumstances. The inclusion of "or serious bodily harm" in proposed Section 8 continues this distinction and its potential for inappropriate use of lethal force.

1. The Task Force recommends that the words "or serious bodily harm" be deleted from Section 8 of the proposed regulation.

In 1989, the Task Force made three recommendations, 27, 28 and 29, which read as follows:

27. The Task Force recommends that more time be spent on tactical training for recruits at the Ontario Police College and that such training be examinable. An officer's on-duty performance with respect to tactical manoeuvres must be monitored and be a factor for the purposes of performance appraisal and promotional opportunities.

28. The Task Force recommends that firearms training for recruits at the Ontario Police College be improved to address more fully, through discussion and the use of computerized scenarios, the discretion afforded police officers with respect to the use of deadly force.
29. The Task Force recommends that the Ontario Police College should be given funding to enable it to provide realistic conditions for recruit firing practice.

2. The Task Force recommends that, if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, there is urgent need for the immediate implementation of our former recommendations 27, 28 and 29.

We are concerned that permitting use of firearms in circumstances other than when necessary for protection of life may result in misjudgment or abuse of discretion and cause unnecessary death or serious bodily harm to members of the public.

The Ministry must ensure that if it allows the permissiveness of proposed Section 8 in respect of the use of firearms in protection against "serious bodily harm", that that permission is constrained by adequate training which will support the general police obligation to preserve life.

3. The Task Force recommends that if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, that proposed New Section 12.4 be amended to include tactics specifically and that the detailed curriculum guidelines to be set out in Ministry standards include tactical and situational shooting training.

- 4 -

The Task Force wishes to express its concern that the Ministry has failed to provide situational shooting and tactical training to the required degree at the Ontario Police College. Failure to provide such adequate training is detrimental to individual officers, the police service, and the public at large.

We do not object to inclusion of the phrase "on reasonable grounds" in Section 8 of the regulation.

Further, we support entirely the inclusion of New Section 9 which addresses the Task Force recommendation 25(a).

**B. Use of Force Reporting**

The Task Force commends and supports the Use of Force Reporting measures proposed by the Ministry in New Section 12.5 of the proposed regulation, with one exception and one caveat. We object to inclusion in New Section 12.5(1)(c) of the phrase "that results in an injury requiring medical attention." The caveat relates to dilution of the proposed New Section 12.5(1)(a) requiring reporting of the drawing of a handgun or the discharge of a firearm.

**1. Reporting use of physical force**

As to our objection to proposed New Section 12.5(1)(c), we

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maintain that a report should be required whenever an officer uses physical force on another person. The Ministry is proposing that a report be required only when such physical force "results in an injury requiring medical attention."

The Ministry argues that "because police officers routinely use very low levels of force, such as verbal persuasion, minor touching and handcuffing, it is impractical to report on the huge number of incidents of the lowest level of weaponless force which occur and do not result in injury requiring medical attention." This argument is misleading. It is obvious that "verbal persuasion, minor touching and handcuffing" are routine, insignificant, and of no value to report; however, the argument ignores the very real uses of physical force which are in fact significant, but which fall short of causing "an injury requiring medical attention." Officers acting in the course of an arrest, for example, may engage in a considerable struggle to subdue an uncooperative person without apparent injury resulting.

It is our view that such physical force ought to be reported. Many public complaints and some civil lawsuits against the police result from just these circumstances. Early reporting of this incident is of value to both the officer and the police service. Collection and analysis of such reports will assist police management to upgrade tactical training, and to recognize officers who, by resorting to physical force inordinately, require

retraining or reassignment. Use of force reports will inform police management of trends in police interaction with the community.

If reports are required whenever an officer uses physical force on another person, the Ministry can except minor touching or handcuffing. Verbal persuasion is not a use of physical force.

The proposed regulation 12.5(1)(c) would result in less reporting than many individual police forces now require.

4. The Task Force recommends that the phrase "that results in an injury requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.

If, however, the Ministry does not require a report whenever an officer uses physical force on another person, it is our view that, at a minimum, a report should be required when any force resulting in an injury is used. The words "requiring medical attention" are quite subjective. Who shall decide if the injury "requires medical attention", the police or the member of the public involved? Further, it is of value to the Ministry, to the police force, and to the public to have available information on injuries resulting from the use of force short of those requiring medical attention. A black eye or bloody nose may not "require" or receive medical attention, but be significant in terms of force

liability, in terms of complaint resolution, or in terms of training assessment.

Injury resulting from police use of force is a matter of sufficient public and police managerial interest and concern to require it to be reported whether or not medical attention is required or received.

5. The Task Force recommends if the Ministry does not require a report whenever an officer uses physical force on another person, that the phrase "requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.

2. Reporting use of a firearm

With respect to our caveat, in our 1989 Report, the Task Force dealt in recommendation 35 with the issue of the reporting of police use of force. With one qualification which will be later submitted and included in Recommendation 6 of this Interim Report, the Task Force believes that the Ministry is correct in the proposed reporting conditions set out in New Section 12.5 of the draft regulation while retaining existing Sections 10 and 11 of Regulation 790.

It was not the Task Force, however, but rather, the Police Complaints Commissioner, who is also Chair of the Task Force, who,

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in 1989, recommended to the Board of the Metropolitan Toronto Police Force that it amend its procedures to require that a report be filed each time an officer draws a handgun. That recommendation has been the subject of much debate and remarkable hyperbole in opposition. The Task Force supports that earlier recommendation of the Police Complaints Commissioner, and the more complex regulation proposed by the Ministry, as set out in New Section 12.5(1)(a) and (b) of the draft regulation.

Both the Ministry and police forces require the information such reporting will provide if they are to have useful knowledge of the frequency and circumstances of the drawing of handguns and the discharge of firearms, and of the use of other weapons on another person. Such information is essential to determine training needs and effectiveness, to assess trends in weapons use, to identify officers who require re-training, and to avoid future complaint and possible tragedy. Such reporting will provide police management and the public with a measure of the number of times and circumstances in which officers face what they perceive to be a reasonable apprehension of danger to life.

Opposition to reporting the drawing of handguns is usually cast in terms of the potential for such a requirement to endanger the life of an officer. However, officers in most forces are already required to report the discharge of a firearm, and no credible data or arguments suggest that such a requirement has

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placed an officer in danger or been an impediment to the proper use of a firearm. A properly trained officer will draw a handgun or discharge a firearm or use another weapon in appropriate circumstances. It is unrealistic to believe that a competently trained police officer will be deterred from drawing or discharging a firearm because of a reporting requirement. The circumstances, not the reporting requirement, will dictate the need and the conduct.

The Task Force is concerned, in particular, that handguns may now be drawn routinely, without senior management knowledge or control and without recourse to objectively defined criteria. A handgun which is drawn presents a real potential for harm, and that potential must be restricted to defined circumstances. The drawing of a handgun, as well as the discharge of a firearm, or the use of a weapon other than a firearm, must be accounted for.

Reports on the drawing of handguns and the discharge of firearms are important management tools. Whatever reporting formats are permitted, they must disclose sufficient information to be useful in meeting earlier mentioned goals, and must be readily retrievable. A recent amendment to the procedures of one Ontario police force permitting such reporting to be fulfilled by an entry in the officer's notebook is clearly inadequate as not being readily accessible for stated purposes. Worse, such a provision permits a police force to argue that it has a requirement for the

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reporting of the drawing of a firearm when it is of little public, police force, or Ministry value. A further problem with that force's procedure is that reporting, such as it is, is required only for drawing and pointing a handgun at a person.

The Task Force had concluded that the draft reporting requirement is correct and ought not to be diluted by restricting its application to circumstances in which a handgun is pointed or, when drawn in the presence of members of the public. We continue to maintain that if a police officer draws a handgun in circumstances in which it is not pointed at another person, but when a member of the public is present, then that act must be reported. There is a general societal and police managerial interest in knowing the details of, and controlling the circumstances in which, police use their handguns in public.

However, we have reconsidered our position on requiring the reporting of the drawing of handguns when no member of the public is present. The police and community members of the Committee on Public and Officer Safety have agreed that if police draw their handguns when no member of the public is present, then no reporting of that fact should be required. For example, police may draw handguns in industrial areas at night, or upon entering premises which have been broken into. The Task Force has considered and is persuaded by the view of the Committee on Public and Officer Safety on this issue, and agrees that Section 12.5(1)(a) of the proposed

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regulation be amended to limit the requirement to report the drawing of a handgun to circumstances when a member of the public is present. We continue to maintain that any discharge of a firearm must be reported. Further, we urge that the Ministry make clear that any individual police force may, in its discretion, require the reporting of any drawing of a handgun, whether or not a member of the public is present.

The Task Force does not wish to restrict the police from the drawing and discharging of firearms in warranted and defined circumstances. We do, however, believe that police management, the Ministry and the public have a need to know all occasions when firearms are used in the presence of a member of the public.

6. The Task Force recommends that Section 12.5(1)(a) of the proposed regulation not be amended, except that reporting of the drawing of a handgun need not be required if no member of the public is present.

C. Use of Force Training

The Task Force supports proposed Revised Section 4, and New Sections 12.2, 12.3, and 12.4 of the draft regulation as generally supportive of, and expanding upon, Task Force recommendations 27, 28, 29, 31 and 32. We agree that comprehensive, and, in our view, repeated training, more than any other measure, reduces the potential for the improper use of force by the police. Reference

should be made to recommendation numbers 2 and 3 of this Interim Report. We urge the enactment of these proposed sections, but are certain that they will only have desired effect if the Ministry of the Solicitor General develops supportive curriculum guidelines and minimum standards, and, if government provides sufficient funding to realize the proposed training and re-qualification.

D. Less Than Lethal Force Options

1. Aerosol Weapons

In general, the Task Force agrees with proposed New Section 12(1) and Revised Section 12.1(1). Some concern, however, arises with Revised Section 12.1(2) (b) which states:

"The use of an aerosol weapon is permitted if the active ingredient is not a gas or chemical."

In 1989, the Task Force considered recommending the authorization of the use of aerosol sprays as an alternative to the use of deadly force. We drew back from such a recommendation even though we were examining means of providing a weapon between the baton and the firearm on the principle that an individual would not be killed if a lesser means of control were appropriate and available. However, we were not then persuaded that, if aerosol weapons were permitted, care would be exercised to ensure that

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their use was appropriate, safe, humane, and preferable to existing alternatives.

Such weapons are now available and being considered by the Ministry for authorized use by police forces. One is aerosol capsicum. Examples of the original concerns of the Task Force exist. Only recently, aerosol capsicum was used in Vancouver upon two men who were incorrectly suspected of a crime. The fact and circumstances of its use have been a matter of controversy. This use had a particularly deleterious effect upon those men. One may argue that the use of aerosol capsicum was preferable to death by firearm, but the event certainly illustrates a potential for yet another means by which serious abuse can occur. Aerosol capsicum was available, it was quick, and it was used. Controversy persists.

The Task Force believes that the Ministry should consider very carefully whether to proceed with the authorization of aerosol weapons, and if it does so proceed, then it must determine with full study what the risks of such weapons may be in selecting devices to be authorized. Further, if aerosol weapons are to be permitted, then the Ministry must vigorously ensure, through proposed Section 12.5(1)(b), that police forces and the Ministry itself are receiving reports of any use of those weapons on another person, that are of sufficient detail and which have sufficient follow-up to permit assessment that only appropriate and safe use

is occurring. Necessary training and established standards for the use of such weapons must be provided and accounted for.

We believe that the designation and control of permitted secondary weapons should remain the subject of regulation under the Police Services Act, and not be merely addressed through directives, standards, and guidelines.

## 2. Carotid Restraint

The Task Force is concerned at the reference on page 19 of the Annotated Regulations Position Paper of June 16, 1992, to the continued use of the carotid restraint by police in Ontario as an accepted less-than-lethal technique. We note that training in the carotid restraint is still provided by the Ontario Police College, although the C.O. Bick College of the Metropolitan Toronto Police advises against its use.

The carotid restraint is an extremely dangerous and potentially lethal technique. There is ample medical and factual evidence of its danger. A municipal police officer was found guilty of misconduct for its use by a board of inquiry arising from a public complaint. While the decision on appeal of that ruling has been reserved by the Divisional Court, the medical evidence led as to the difficulty of use of the carotid restraint and its danger is compelling. It should also be noted that a police officer of

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another Ontario police force is now facing a manslaughter charge arising from the alleged use of the carotid restraint. We understand that the Ministry has recently been engaged in consultation and debate on the issue of the use of the carotid restraint.

7. The Task Force recommends that the Ministry of the Solicitor General move expeditiously by regulation to prohibit the use by police of the carotid restraint.

**E. Related Issues**

**1. Special Investigations Unit**

Task Force recommendation 36 was one of our recommendations relating to use of force. We proposed a new approach to the investigation of police shootings. A blended team was suggested by the Task Force to be composed of serving police homicide officers from forces other than that involved in the shooting together with civilian investigators independent of the Ministry of the Solicitor General. We recommended this blended format as a recognition of the need for sophisticated homicide investigative expertise, and the need for the balance provided through independent oversight by civilian investigators.

The government did not implement recommendation 36 in the manner suggested. Instead, the government created the Special

Investigations Unit, as a unit of the Ministry of the Solicitor General, comprised solely of civilians and with a broader mandate than that contemplated by the Task Force. In the light of the experience of the Unit, and the earlier Task Force recommendation, the Task Force will, at a later date, make comments regarding the composition and mandate of the S.I.U.

2. Section 25(4) of the Criminal Code of Canada

Task Force recommendation 26 proposed that the Government of Ontario petition the Government of Canada to amend Section 25(4) of the Criminal Code to restrict its applicability to situations in which a fleeing offender poses an immediate threat of death to police officers or others. The Government of Ontario has responded favourably to the recommendation and the Ministry of the Solicitor General states that it "has made the Federal Government aware that we support changes to that section of the Criminal Code which allows the use of lethal force against a fleeing individual who does not present a risk to life." The Ministry further states: "The Federal Minister of Justice has indicated that she will be proposing amendments to this provision soon."

The Task Force continues to support the urgent need for amendment to Section 25(4) for the reasons stated in 1989. We urge the Government of Ontario to continue to press for speedy federal amendments of Section 25(4) in a form which will restrict police

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discretion in the use of lethal force to immediate defense of life in cases involving individuals fleeing lawful arrest. As a practical matter, if Section 25(4) of the Criminal Code is not amended as recommended, the value and impact of proposed Ontario Regulation 8 will be significantly reduced. The permissive nature of Section 25(4) is not supportive of the intent of this province to restrict police use of deadly force.

PART TWO - CODE OF CONDUCT

The Task Force agrees with the proposed addition to the Code of Conduct for police officers under the existing "Discreditable Conduct" category. Proposed Sections 1(a)(i.1) and (i.2) are a welcome response to Task Force recommendation 37(a). We believe that the enactment of this proposed regulation is a necessary signal to all police officers of the importance of this issue to the public and of the paramount need for, and intent to ensure, equitable and non-discriminatory behaviour in service to the public and in relationships with police colleagues.

We understand that in response to Task Force recommendation 37(b), the Race Relations and Policing Unit of the Ministry of the Solicitor General has prepared a draft policy on race relations which will reflect police commitment in Ontario to policing for a diverse multi-racial and multicultural society. We urge that this

policy be completed in the near future, and, by regulation, be the model for required race relations policies for all police forces.

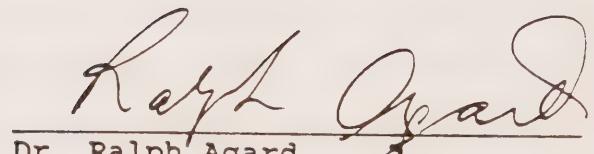
CONCLUSION

The Task Force, with the objections and cautions noted, is generally supportive of the draft regulations on Use of Force / Code of Conduct.



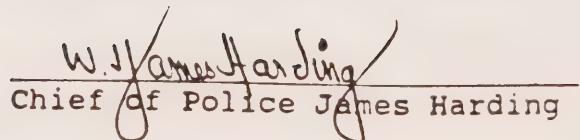
Clare Lewis

Clare Lewis, Chair



Dr. Ralph Agard

Dr. Ralph Agard



W.J. James Harding

Chief of Police James Harding

RECOMMENDATIONS - USE OF FORCE / CODE OF CONDUCT

Use of Police Firearm

1. The Task Force recommends that the words "or serious bodily harm" be deleted from Section 8 of the proposed regulation.
2. The Task Force recommends that, if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, there is urgent need for the immediate implementation of our former recommendations 27, 28 and 29.
3. The Task Force recommends that if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, that proposed New Section 12.4 be amended to include tactics specifically and that the detailed curriculum guidelines to be set out in Ministry standards include tactical and situational shooting training.

Use of Force Reporting

4. The Task Force recommends that the phrase "that results in an injury requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.
5. The Task Force recommends if the Ministry does not require a report whenever an officer uses physical force on another person, that the phrase "requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.

Reporting Use of Firearm

6. The Task Force recommends that Section 12.5(1)(a) of the proposed regulation not be amended, except that reporting of the drawing of a handgun need not be required if no member of the public is present.

Less than Lethal Force Options

7. The Task Force recommends that the Ministry of the Solicitor General move expeditiously by regulation to prohibit the use by police of the carotid restraint.



**REGULATIONS TO BE DEVELOPED UNDER THE POLICE SERVICES ACT  
USE OF FORCE/CODE OF CONDUCT**

**ANNOTATED REGULATIONS POSITION PAPER**

**JUNE 16, 1992**



Ministry of  
the Solicitor  
General

Ministère du  
Solliciteur  
général



## SOLICITOR GENERAL'S INTRODUCTION

Public confidence is the foundation of effective community policing. Preserving the peace and preventing crime are two fundamental goals of quality policing. Furthermore, these goals must be achieved with the least risk to the police and the public.

Policing has always been a demanding job, never more so than today. No longer is the work of the police regarded as just law enforcement because police today provide many important community services.

Sometimes, in upholding the law, police must use force, even lethal force. This is the most contentious part of police work -- for the police, the public, and the suspect. However, as members of a democratic society, we define through our laws how much force is justifiable by the police, and when and how they may apply force. In the defense of the life of a person, harm or death may result to the suspect. Of utmost importance, therefore, is the need for training, accountability mechanisms, and alternatives to the use of lethal force by police officers.

The Ministry of the Solicitor General wants to consult with the police and the public on key issues surrounding the use of force by police. The Ministry has developed a draft regulation (or law) which amends the current regulation and attempts to strike the balance of providing the police with clear direction while ensuring force is only used where appropriate. Following public consultation, the regulation will be finalized and enacted. The regulation will focus on areas concerning training, accountability, and less-than-lethal force options, and is designed to be appropriate for policing in the years to come.

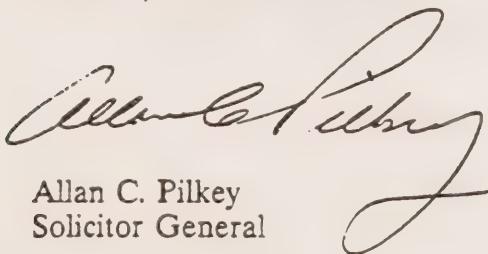
In order to provide a framework for dialogue on the proposed new regulation on the use of force, the Ministry has developed the attached Annotated Regulations Position Paper.

In addition, the Ministry wants to revise the existing Code of Conduct regulation for police, to ensure that it reflects the needs of our multicultural and multiracial society. The proposed changes are also included as a separate section of this Annotated Regulations Position Paper.

Your views are important to the Government. We therefore invite you, and the organization you represent, to provide the Ministry with comments and input to this document. Please send your written comments on or before July 24, 1992 to:

Attention: Use of Force/Code of Conduct Regulations  
Ministry of the Solicitor General  
25 Grosvenor Street, 9th Floor  
Toronto, Ontario M5G 2E5

Allan C. Pilkey  
Solicitor General



## OVERVIEW, PART ONE - USE OF FORCE

The use of force by police officers is a safety issue for all Ontarians -- the police who are lawfully empowered to use appropriate levels of force in the fulfilment of their duty, the community, and the suspect.

The Ministry of the Solicitor General is seeking public and police input on a proposed new regulation on the use of force by police officers. This information will assist the Ministry in finalizing a new regulation.

This section of the Annotated Regulations Position Paper consists of the following:

- **What Is Meant By The Use of Force**
- **Why Public Input Is Required**
- **Rationale For Amending the Provincial Regulation On The Use of Force**
- **Differences Between The Federal and Provincial Laws**
- **Proposed New Sections to Amend the Use of Force Regulation**

### **ACCOUNTABILITY MEASURES**

- The Use of A Police Firearm
- Use of Force Reporting

### **TRAINING MEASURES**

- Use of Force Training

### **LESS-THAN-LETHAL FORCE OPTIONS**

- Less-Than-Lethal Force

In Ontario the duties of a police officer are listed in subsection 42 (1) of the Police Services Act. Police officers preserve the peace, prevent crimes, assist victims, apprehend criminals, lay charges, execute warrants, complete training and perform other lawful duties as assigned.

All new police officers in Ontario attend the Ontario Police College for recruit training. New police officers receive training on a wide variety of topics, including communications skills, firearms, powers of arrest, race relations, officer safety, police ethics and use of force, and federal and provincial use of force laws.

Police officers are taught to use only as much force as is necessary to bring a situation under control. If they use excessive force, they can be held criminally responsible for their actions under the Criminal Code (Canada), and may additionally be subject to internal discipline under the Police Services Act.

## **WHAT IS MEANT BY THE USE OF FORCE?**

The Ontario Police Services Act 1990 defines the authority and responsibilities of police officers and imposes restrictions upon them in the performance of their duties.

Under the Police Services Act, police officers must preserve the peace, prevent crimes and maintain order in our communities. In performing their duties, police officers need specific authority to use, in limited circumstances, an appropriate degree of force in protecting and serving us. The law grants police officers this authority, but includes certain guidelines on the amount of force that can be used, depending on the situation.

Police are authorized to use a range of techniques to preserve the peace, prevent crimes, maintain order and apprehend suspects. These techniques can range from the mere physical presence of a police officer at a scene, to discharging a firearm as a means of protecting life.

Police officers must be trained properly to use force which is appropriate to each situation they encounter. The type of force that may be applied will vary tremendously from one situation to the next. Additionally, some situations may call for a steady progression from one type of force to another. The types of force used include:

- **PRESENCE** - Simply the police officer's presence in a given situation.
- **VERBAL TECHNIQUES** - The officer's verbal skills can either escalate or calm a situation. Negotiation and conflict resolution skills are very important when trying to defuse a situation. What police officers say, and how they say it, can have a significant bearing on a situation.
- **WEAPONLESS TECHNIQUES** - This type of force is used to deal with people who are trying to resist control or arrest by an officer. In these situations the officer attempts to control the subject without using any weapons. These techniques would include various pressure-point or hold techniques, punches and kicks. Weaponless techniques, when applied properly, are considered less-than-lethal types of force.
- **DEVICES** - This type of force involves the use of "intermediate level" weapons such as the baton and aerosol weapons.
- **FIREARMS** - This type of force is potentially lethal.

## **WHY PUBLIC INPUT IS REQUIRED**

The use of force by police officers is a safety issue for the public and the police, as well as for the suspect. The public needs to know when the use of force is reasonable and justifiable. As well, the public has the right to contribute to a law which makes the police accountable for the use of their authority. The public needs to be informed about the types of accountability mechanisms for monitoring the use of force, and the scope of training which is provided by the Ministry and by police services.

The key goal for the Ministry in seeking public input is to provide an opportunity for members of the public to increase their awareness about the use of force and shape the laws that govern them.

Through public involvement in the proposed new regulation, the Ministry intends to develop a regulation that ensures police officers receive clear direction and support on the use of force. Specifically, this regulation will focus on issues such as training, accountability, and the use of less-than-lethal force options. This direction will enable police to carry out their public protection duties effectively, while ensuring that only an appropriate level of force is permitted in any particular circumstances.

## **RATIONALE FOR AMENDING THE PROVINCIAL REGULATION ON THE USE OF FORCE**

The current provincial regulation on the use of force is outdated. It concentrates heavily on the use of firearms and does not reflect the need for accountability mechanisms or training respecting the use of force.

The new regulation will be developed with a focus on police and public safety. It must provide the police with clear authority to use force balanced with accountability mechanisms for such use. It must provide clear support for this special power through appropriate training and equipment.

A new regulation, once in effect, would apply to municipal and provincial police officers across the province.

## DIFFERENCES BETWEEN THE FEDERAL AND PROVINCIAL LAWS

Currently, Ontario police officers are governed in the use of force by federal and provincial statutes. The current regulation under the Police Services Act (provincial) allows a police officer to draw and discharge a firearm to defend life or to apprehend, when other means are insufficient, a person who may cause death or serious bodily harm to another person.

At the same time, police officers are governed by the Criminal Code (federal) which allows a police officer to draw and discharge a firearm to apprehend a suspect who attempts to escape, unless escape can be prevented by less violent means. The Ministry has made the Federal Government aware that we support changes to that section of the Criminal Code which allows the use of lethal force against a fleeing individual who does not present a risk to life. The federal Minister of Justice has indicated that she will be proposing amendments to this provision soon.

Police officers who contravene the Police Services Act regulation are subject to disciplinary proceedings under the Act which can result in dismissal. A criminal charge can be laid only where the provisions of the Criminal Code have been contravened.

If you are interested in discussing the use of force as governed by the Criminal Code, please direct your comments to the federal Minister of Justice. This paper focuses on the provincial use of force regulation only.

## ACCOUNTABILITY MEASURES

### USE OF A POLICE FIREARM

#### **Current Regulation**

At this time, the use of a police firearm is set out in sections 6 to 9 inclusive of Regulation 790:

Section 6	No member of a police force shall draw or display his revolver, except when it is necessary to do so in the performance of his duty.
Section 7	No member of a police force shall threaten or attempt to intimidate any person by means of a firearm, except when necessary in the performance of the member's duty.
Section 8	No member of a police force shall draw a revolver except if the member believes, on reasonable and probable grounds, that to do so is necessary:  (a) for the protection of the life of a person, or;  (b) for the apprehension or detention of a person who may cause death or grievous bodily harm to another person.
Section 9	(1) No member of a police force shall discharge a firearm in the performance of duty except if the member believes, on reasonable and probable grounds, that to do so is necessary,  (a) for the defence of the life of a person;  (b) for the apprehension, when other means are insufficient, of a person who may cause death or grievous bodily harm to another person;  (c) to destroy an animal that is potentially dangerous or so badly injured that humanity dictates that its suffering be ended; or  (d) to give alarm or call for assistance in a critical situation where there is no reasonable alternative.

## Commentary

The police community and the Clare Lewis Task Force Report on Race Relations and Policing support a recommendation to remove the ability to fire warning shots. The Clare Lewis Task Force Report also recommended that the provincial regulation on the drawing and discharging of a firearm be amended so that officers would be empowered to draw and discharge their firearms only in the defence of life or to call for assistance in a critical situation.

This would limit the authority of the police to:

- apprehend a person who may cause death or grievous bodily harm
- and to point a gun to threaten or intimidate.

However, sometimes it is in the public interest to stop a person who may cause death or serious bodily harm to the police officer or another person (such as in situations where it is known firearms are involved).

## Proposed Regulation

There must be a balance between a police officer's decision to use force, which is potentially lethal, and the public's right to be protected from the unnecessary and excessive use of such force.

The Ministry is proposing the following changes to the sections which govern police use of firearms:

Sections 6 and 7 would be deleted from Regulation 790.

New Section            8. A member of a police force shall not draw a handgun or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against the loss of life or serious bodily harm.

New Section            8.1 Sections 3 to 8 do not apply to a member of a police force when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force.

New Section            9. Despite section 8, a member of a police force may discharge a handgun or other firearm,

- (a) to call for assistance in a critical situation, if there is no reasonable alternative; or

(b) to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.

**NOTE:** Section 9 of the current regulation (relating to the carriage of firearms by auxiliary members of police forces) will be retained and refined to reflect other proposed changes in the body of Regulation 790.

### **Commentary**

#### **Section 6**

It is proposed to delete section 6 of the current regulation on the basis that it is superfluous and potentially confusing. The section creates the impression that there are situations apart from those described in section 8 of the current regulation in which it is permissible to draw or display a revolver.

#### **Section 7**

It is proposed to delete this section and to combine its thrust with the general authority vested in police officers to draw, and use firearms as set out in the provisions of the proposed section 8. The police right to use a firearm to legitimately threaten or intimidate in the course of their duties for the protection of life or for the prevention of serious bodily harm to someone is implicit in the new provision. No useful purpose is served by continuing to isolate the use of firearms for purposes of intimidation from the specific authority vested in the police under the new section.

#### **Section 8 & 9**

Sections 8 and 9 of the current regulation speak to the authority of the members of a police force to draw a revolver and to discharge a firearm in the performance of duty. The sections use the same general test for both the drawing and the discharge of a firearm. That is, a firearm may be drawn (and subsequently discharged) for the protection of life or for the apprehension or detention of a person who may cause death or serious bodily harm to another person. It is proposed to combine these sections into a new section 8 and to place the focus of the new section on self-defense and on the defense of others as the justification for the use of deadly force.

Deadly force may still be used for purposes of apprehension in circumstances where it is necessary to protect against the loss of life or serious bodily harm immediately, or at some future occasion. A police officer must have reasonable grounds to believe that it is necessary to draw and discharge the firearm. Accordingly, he or she will be under a duty to determine that other techniques of preventing death or serious bodily harm are insufficient.

The language of the proposed regulation is also modernized, and such terms as "reasonable grounds" and "serious bodily harm" are used, rather than the existing regulation which uses older language such as "reasonable and probable grounds" and "grievous bodily harm."

The new regulation retains the authority of the police to use a firearm for humanitarian purposes in cases involving potentially dangerous or badly injured animals and to call for assistance, but eliminates the current authority to use a firearm to give an alarm. This practice rarely exists in Ontario any more because of the danger of stray bullets.

### Other Jurisdictions

Some provinces have provisions similar to sections 6, 7, 8 and 9 of Ontario's Regulation 790. (e.g. Nova Scotia and British Columbia) On the other hand there are other provinces that have no equivalent legislation at the provincial level, but instead rely on the relevant provisions of the federal Criminal Code. Alberta, Saskatchewan and Manitoba fall into this category. Further, it must be noted that use of force by the RCMP (including RCMP officers carrying out their duties in Ontario) is also regulated by the federal Criminal Code.

Some individual police services, such as Edmonton City Police, have adopted detailed use of force guidelines that define police use of force more narrowly than the Criminal Code.

## ACCOUNTABILITY MEASURES

### USE OF FORCE REPORTING

#### **Current Regulation**

Currently, provisions for use of force reporting are set out in sections 10 and 11 of Regulation 790 under the Police Services Act:

Section 10            Where a member of a police force, other than the Commissioner or chief of police, unintentionally or intentionally, except on a target range or in the course of ordinary weapon maintenance, discharges his firearm, the Commissioner or the chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.

Section 11

- (1) Where a member of a police force, other than the Commissioner or the Chief of Police, by the discharge of a firearm in the performance of his duty, kills or injures another person, the Commissioner or the Chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.
- (2) The Commissioner shall submit a report of any investigation made by him under subsection (1) to the Commission and the chief of police shall submit a report on any investigation made by him to the board or, where there is no board, with the committee of council.
- (3) The Commission or the board or committee of council, on receiving a report of the Commissioner or the chief of police, as the case may be, under subsection (2) shall, as soon as practicable, review the report and make such further inquiries as it considers necessary or expedient.
- (4) The board or committee of council shall file with the Commission any report submitted to it by the chief of police under subsection (2), together with a report of any additional inquiries undertaken.
- (5) Where the Commissioner discharges his firearm in the performance of his duty, he shall forthwith report the matter to the Commission, who shall inquire into the circumstances.

(6) Where a chief of police discharges his firearm in the performance of his duty, he shall forthwith report the matter to the board or committee of council, as the case may be, and the board or committee shall inquire into the circumstances and file a report of such inquiry with the Commission.

(7) The Commission shall inform the Solicitor General of the contents of any report filed with it under subsection (2), (4), (5) or (6) and, on his request, submit to him a copy of such report for whatever action he considers necessary.

### Commentary

The current regulation requires a police officer who discharges a firearm to submit a report in order for the Chief of Police or the Ontario Provincial Police Commissioner to undertake an investigation. Only the discharge of a firearm must be reported. The drawing of a handgun, and the use of less-than-lethal force is not addressed in the regulation.

At present, many police services in Ontario already require their personnel to document in some manner the use of other types of force, either as part of an occurrence/arrest report or in a separate use of force report. Any procedures are developed locally to meet local requirements.

### Proposed Regulation

The Ministry is proposing to retain sections 10 and 11 of Regulation 790 and to make the following additions to the Regulation:

New Section 12.5-(1) A member of a police force shall submit a report to the chief of police or Commissioner whenever the member,

- (a) draws a handgun or discharges a firearm;
- (b) uses a weapon other than a firearm on another person; or
- (c) uses physical force on another person that results in an injury requiring medical attention.

(2) The report shall set out the facts surrounding the occurrence in respect of which the report is required.

(3) Subsection (1) does not apply when,

- (a) a handgun is drawn or a firearm is discharged in the course of a training exercise, target practice or ordinary firearms maintenance in accordance with the rules of the police force, or the Ontario Police College;
- (b) a weapon other than a firearm is used on another member of a police force in the course of a training exercise in accordance with the rules of the police force, or the Ontario Police College; or
- (c) physical force is used on another member of a police force in the course of a training exercise in accordance with the rules of the police force, or Ontario Police College.

(4) The Solicitor General may require a chief of police or the Commissioner to deliver or make available to the Solicitor General a copy of a report submitted under subsection (1).

(5) Every police force shall review on a regular basis its policies on the use of force and on the training courses provided under section 12.3 having regard to the reports submitted under subsection (1).

Commentary

The proposed regulation would ensure that information concerning the entire range of police use of force is collected locally, and is available to the Ministry of the Solicitor General, if required. As much as possible, this information should be collected as part of existing reports or forms in order to minimize paperwork. However collected, the information would have to be retrievable for the purpose of the internal review requirements or to provide to the Ministry.

The proposed regulation will require that police managers collect data and monitor the number of times, and under what circumstances, firearms are being drawn and used, and less-than-lethal weapons used. The regulation also requires that police services periodically review and analyze that data to identify trends, local policy refinement needs, and training needs. This information should become an additional key component of the local management information base of all police services. The information must also be available, if required, to Ministry inspectors. Although the regulation identifies the general types of use of force for which reports must be kept, guidelines will be developed specifying the exact data to be collected.

Because police officers routinely use very low levels of force, such as verbal persuasion, minor touching and handcuffing, it is impractical to report on the huge number of incidents of the lowest levels of weaponless force which occur and do not result in injury requiring medical attention. The proposed regulation also states that reporting is not required for use of force and weapons during training or maintenance.

In retaining section 11, the Ministry, in addition to any access to and utilization it wishes to make of the information available under section 12.5, will be in receipt of all reports where discharge of a firearm results in injury or death. The Ministry will be in a position to undertake whatever analysis it wishes on this information.

#### **Other Jurisdictions**

All provinces in Canada mandate the filing of a report when a firearm is discharged. No province requires reporting the drawing of a firearm, or the use of less-than-lethal force. Some individual police services, such as Edmonton, require a report for a broad range of use of force. A few police services in the United States require full use of force reporting but it is not a legislated requirement at either the federal or state level.

Those police agencies with use of force reporting indicate that it takes 3-5 minutes to complete each use of force report.

## TRAINING MEASURES

### USE OF FORCE TRAINING

#### **Current Regulation**

Currently, use of force training is set out in section 4 of Regulation 790:

**Section 4** Before a firearm is issued to a member of a police force, the Commissioner or Chief of Police, as the case may be, shall satisfy himself that the member has received instruction and is competent in its use, and where there is no chief of police, the board or committee of council, as the case may be, shall so satisfy itself.

#### **Commentary**

Currently, there are no provincial standards for either use of force training for recruits, or requalification training, although research to develop these standards has commenced.

Police officers attending recruit training at the Ontario Police College receive training on a variety of use of force topics. Police officers are taught that the use of force encompasses both less-than-lethal force and lethal force. Police officers receive hands-on training in defensive tactics (less-than-lethal force) and firearms (lethal force). In addition, police recruits also receive instruction on the relevant provisions of the Police Services Act, its regulations, and the Criminal Code.

Each recruit receives 18 hours of firearms training on the principles of shooting, care and cleaning and the use of firearms. Each recruit receives approximately 16 hours on less-than-lethal force options. Each recruit will fire approximately 270 rounds of ammunition during training, and 30 rounds of ammunition during the qualification test. This firearms program only familiarizes new police officers with their firearms, and does not, in and of itself, guarantee, in every case, the highest possible degree of competence. There is also a need to review the issue of firearms proficiency in diverse simulations which approximate reality.

Police officers should be more than just familiar with the use and operation of a firearm. They should be highly proficient in all facets of their use. As well, there should be a provincial standard for mandatory training and re-qualification programs.

The Clare Lewis Task Force Report and the Greenwood Commission made recommendations that the training program at the Ontario Police College should be significantly enhanced to include training on judgement, safety, legislation, practical computerized scenarios and the discretion afforded to police officers with respect to the use of lethal force.

Furthermore, the current training has been criticized as placing too high an emphasis on lethal force, and therefore, society should not be surprised when police officers resort to the use of lethal force. Proponents of this theory believe this emphasis should be placed on alternatives to the use of such force.

There is growing evidence in police research that use of force training is the single most effective method of decreasing the incidence of improper use of force. Several recent reports and studies (including the report of the Clare Lewis Task Force on Race Relations and Policing) indicate that both recruit and requalification training in the province is seriously deficient, and need substantial improvement.

At present there are no provincial standards which would require a police officer to undergo use of force training or re-qualification at the local level, once recruit training is completed. Consequently, some police services offer excellent use of force training and requalification programs, and other police services conduct little or no use of force training or requalification programs.

Recommendations of the Clare Lewis Task Force Report and of the Greenwood Commission suggested that the requalification training programs conducted by police services should be significantly enhanced by the establishment of a realistic minimum provincial standard and each police officer in the province should be required to meet these minimum provincial standards by requalifying annually on his/her issued firearm, and other use of force options.

#### **Proposed Regulation**

The Ministry is proposing the following change to section 4 of Regulation 790 and the following additions to require enhanced use of force training:

**Revised Section 4** Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself or herself that the member has successfully completed the training required by section 12.2 and is competent in the use of the firearm.

**New Section 12.2** (1) A member of a police force shall not use force on another person unless the member has successfully completed a training course on the use of force.

(2) A member of a police force shall not carry a firearm unless, during the twelve previous months, the member has successfully completed a training course on the use of firearms.

New Section 12.3 (1) Every police force shall ensure that, at least once every twelve months,

- (a) every member of the police force who may be required to use force on other persons receives a training course on the use of force;
- (b) every member of the police force who is authorized to carry a firearm receives a training course on the use of firearms.

(2) The police force shall maintain written records of the training courses taken by members of the police force on the use of force and the use of firearms.

New Section 12.4 The training courses referred to in sections 12.2 and 12.3 shall include training on the following matters:

1. Legal requirements
2. The exercise of judgment
3. Safety
4. Theories relating to the use of force
5. Practical proficiency

#### Commentary

Researchers suggest that comprehensive training, more than any other measure, reduces the improper use of force by police.

The proposed changes will enhance use of force training for recruits and annual requalification training through emphasis on judgement, theory, safety, legal requirements, and practical proficiency. These key principles will be supported by detailed curriculum guidelines which will be set out in Ministry standards.

These principles will be fundamental to recruit training. For instance, recruits will be introduced to federal and provincial legislation regarding use of force. They will complete theoretical and practical exercises to develop and understand the types of decision-making and judgment required in use of force situations. This may include experience on state-of-the-art judgment simulators. They will be taught the safe use of all force options, and the fundamentals of weapons retention and officer safety. Recruit training will include the ethics and psychology of use of force. Finally, recruits will be required to become not just familiar with the practical application of their weapons, but will be required to be highly competent. These fundamentals will also be reflected in requalification training.

Enhanced use of force training, conducted at both the recruit and requalification levels, for less-than-lethal force and lethal force, will address many of the concerns of the community about the competency of police in using force properly.

The police community strongly supports Ministry efforts to enhance and standardize use of force training. It is expected that these enhancements will increase the length of recruit training in order to accommodate improved use of force training. It is also expected that each police officer will spend a full day annually meeting provincial requalification standards.

It should be recognized that in proceeding with the proposed regulation on training, there will be cost implications for municipalities and the provincial government. The estimated increased annual cost of the improved use of force training will be less than \$10 million. The increase is less than 1% of what Ontario municipalities and the Province spend annually on policing. The main expense for municipalities will relate to personnel time spent in requalification sessions. Requalification training will also have to be structured to accommodate variations in training facilities and capabilities. State of the art use of force judgment simulators, if used as part of firearms training, will be expensive for the provincial government and municipalities. Nonetheless, effective and realistic training and requalification is an essential element in the development of the skills of police officers.

### Other Jurisdictions

Police use of force training varies from province to province, and within provinces. Only Newfoundland has legislated requalification standards, although many provinces have non-legislated standards. Most provinces, however, have substantially more demanding recruit and requalification standards than Ontario. For instance, police recruits in the Maritime provinces receive approximately 68 hours of use of force training and fire 800 rounds of ammunition. Maritime police officers receive periodic intensive refresher/requalification training in one week long "street survival" courses. (For the purposes of comparison, Ontario recruits receive 34 hours of use of force training during which they fire 300 rounds of ammunition. No requalification is mandated in Ontario.) RCMP recruits spend 63 hours on use of force training and fire 2400 rounds of ammunition. RCMP officers must re-qualify annually on their weapons, and spend half a day annually, firing 80 rounds of ammunition. Generally, most major police services in Canada spend close to 60 hours on use of force training for recruits, and a half-day to a day on requalification.

In the United States, use of force training varies substantially. The FBI has one of the best police use of force training programs. Recruits spend many hours in realistic training situations, involving all levels of force. They also receive intensive 'shoot-don't-shoot' decision making training. FBI recruits fire 5,000 rounds of ammunition during recruit training.

## LESS-THAN-LETHAL FORCE OPTIONS

### LESS-THAN-LETHAL FORCE

#### **Current Regulation**

The present regulation states:

Section 12 (1) Subject to subsection (2), no member of a police force shall use any gas or chemical weapon.

(2) The use of the substance commonly known as tear gas is permitted, provided it is not applied intentionally in concentrated form directly to the person.

#### **Commentary**

Police officers presently receive training on, and use, a range of less-than-lethal force options. These options are used to deal with violent and potentially violent situations which are not life threatening. They are not a substitute for lethal force where there is an immediate threat to life, but may in some circumstances be effective in addressing a violent situation before it escalates to a point where lethal force is necessary.

At present police in Ontario use the following less-than-lethal force weapons and techniques:

- Verbal communication
- Bare-handed intervention
- Batons
- Carotid restraint
- Special less-than-lethal weapons and techniques for tactical and other units

Most of these options have remained essentially unchanged, or have undergone only technical refinements, in the past 100 years. The existing regulation does not, however, clearly deal with non-chemical aerosol weapons.

### Proposed Regulation

The ministry is proposing the following changes to the regulation governing the use of less-than-lethal force:

New Section 12.-(1) A member of a police force shall not use a weapon other than a firearm on another person unless,

- (a) that type of weapon has been approved for use by the Solicitor General;
- (b) the weapon conforms to technical standards established by the Solicitor General; and
- (c) the weapon is used in accordance with standards established by the Solicitor General.

(2) Subsection (1) does not apply to the use of a weapon on another member of the police force in the course of a training exercise in accordance with the rules of the police force.

Revised Section 12.1-(1) Subject to subsection (2), a member of a police force shall not use any gas, chemical or aerosol weapon.

(2) Subject to section 12,

- (a) the use of the substance commonly known as tear gas is permitted if it is not applied intentionally in concentrated form directly to the person; and
- (b) the use of an aerosol weapon is permitted, if the active ingredient is not a gas or chemical.

### Commentary

In recent years, a range of "intermediate" or non-lethal techniques or weapons have been developed. Some of these have arisen from improvements in human relations or conflict resolution techniques (such as verbal and communications techniques). Others have arisen from changes to existing weapons (such as batons). Still others have arisen from the technological development of new weapons (such as aerosol capsicum).

There is a need for the government to consider the effect of the advancement in "intermediate" weapons on policing services. In certain situations, such weapons can provide an effective and preferable alternative to the use of a firearm. On the other hand, if such weapons are to be permitted, care must be exercised to ensure that their use is safe, humane and preferable to existing alternatives.

The proposal calls for the Ministry of the Solicitor General to be responsible for determining whether to approve new classes of non-lethal weapons. Furthermore, technical standards and usage guidelines would be issued by the Ministry of the Solicitor General. The use of such standards and guidelines would permit regular revision to accommodate improvements in the applicable technology, training or usage techniques. Unacceptable classes of weapons would not be approved by the Ministry of the Solicitor General.

The proposed changes to the sections of the regulation dealing with use of force training, will ensure that police officers receive mandatory recruit training on all less-than-lethal options approved for use, and receive requalification annually on those options.

The introduction of new and effective less-than-lethal weapon options will mean that some incidents, which now escalate to the point where lethal force is necessary, will potentially be defused before that stage is reached. Both Ontario's police and non-police communities have recently called for research, training and expanded use of non-lethal force.

### **Other Jurisdictions**

Capsicum aerosol weapons have now been in use for a year in at least six police services in British Columbia. Edmonton and Calgary police are also using the weapons. Over 1200 police services in the United States are now using capsicum weapons. The weapons have been standard issue to FBI officers in the United States for over three years.

Tactical communications programs for police are also gaining popularity in the United States and Canada. These programs allow for the utilization of advanced verbal communication skills to defuse potentially dangerous situations.

\* \* \* \* \*

## ANNOTATED REGULATIONS, PART TWO - CODE OF CONDUCT

### OVERVIEW - CODE OF CONDUCT

Many professions in our society are governed by a professional code of conduct or industry standard. These standards not only espouse the philosophy and ethics of the profession, but also reflect the expectations of the people which they serve. These standards provide a framework for maintaining credibility and integrity when employees carry out the duties of their profession.

In a similar manner, Ontario police officers must conform to a set of rules and guidelines when carrying out their legislated mandate. For Ontario police officers, this is referred to as a Code of Conduct (see Appendix B; the Code of Conduct is referred to in the current regulation as a "Code of Offences"). The code of conduct is an ethical and legal standard establishing the way in which police officers must conduct themselves in the performance of their duties. The public must feel confident that the police are fulfilling their duties and responsibilities, in accordance with the powers vested in them to serve and protect the public, with integrity and professionalism.

Under the Police Services Act, departures from the standards expected of police officers, under the Code of Conduct, may result in disciplinary proceedings.

The disciplinary process permits police managers to correct the conduct of police officers through disciplinary measures ranging from a reprimand to dismissal. The disciplinary process can be initiated internally by a police service or as a result of a public complaint.

The Code of Conduct and the associated disciplinary process forms part of a management system which encourages professional and ethical behaviour. The code of conduct sets out that behaviour which is clearly unacceptable to the community and the police profession.

### Code of Conduct

Currently, The "Code of Offences" contained in Regulation 791 - (refer to Appendix B) sets out the code of conduct requirements for police officers. The Ministry is proposing to add the following section to the Code of Conduct under the existing "Discreditable Conduct" category:

Section 1 Any Chief of police, other police officer, or constable commits an offence against discipline if he is guilty of,

(a) DISCREDITABLE CONDUCT, that is to say, if he/she;

- (i.1) infringes the right of a person under section 1 of the Human Rights Code to equal treatment with respect to police services without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,
- (i.2) uses profane, abusive or insulting language that discriminates against a person on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.

#### Commentary

A key principle of the Police Services Act calls for "the need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society." It is especially critical to update the police code of conduct to cover discriminatory behaviour as an offence subject to internal discipline. The code of offences in the current Regulation 791 does not expressly make reference to this type of behaviour or conduct as an offence. Police officers who are found to have contravened the code of conduct, will be subject to internal discipline, up to and including dismissal from the police force.

On review of the current "Code of Conduct," it is clear that there is a need and opportunity to build in a more expansive standard referencing the unacceptability of any discriminatory behaviour/conduct, including discrimination on the basis of race.

The coverage of this range of unacceptable discriminatory behaviour/conduct is very much in keeping with the Human Rights Code.

The Clare Lewis Task Force Report, in noting evidence of racial discrimination and harassment by police, recommended that the Ministry of the Solicitor General develop a working definition of racially-prejudiced police behaviour and incorporate this into the code of conduct of the Police Services Act as a disciplinary offence, whether directed at visible minority persons within or outside the police force. They further recommended the development of a complementary "Police Race Relations Policy".

A Police Race Relations Policy will be developed separately, to further reiterate the intent of this section of the Code of Conduct. Furthermore police forces are required to take positive measures to eliminate internal workplace discrimination as part of their employment equity plan.

It is the intention that this regulation would apply to conduct by a police officer directed towards a member of the public or another police officer.

## CONCLUSION

Public confidence is the foundation of community policing. Society has entrusted police officers with special powers and responsibilities through legislation. Society expects that police will fulfil their duties with credibility and integrity.

Through this consultation process, the Ministry of the Solicitor General will develop a regulation that ensures police officers receive clear direction and support through a revised use of force regulation and an expanded code of conduct, which specifies the standards of behaviour the community and other police officers expect and deserve.

Thank you for taking the time to respond to this Annotated Regulation Position Paper. Your contribution to helping the government shape the laws of our society is sincerely appreciated.

# REGULATION 790

under the Police Act

## EQUIPMENT

1. This Regulation applies to police forces established under the Act. R.R.O. 1980, Reg. 790, s. 1.

2. In this Regulation,

(a) "board" means a board of commissioners of police;

(b) "chief of police" includes an acting chief of police;

(c) "committee of council" means a committee composed of the head or acting head of council and two other members thereof appointed by council;

(d) "firearm" means a firearm as defined in section 82 of the *Criminal Code* (Canada). R.R.O. 1980, Reg. 790, s. 2.

## FIREARM

3.—(1) Subject to subsections (3) and (4), where the Commissioner or chief of police carries a firearm or authorizes any member of a police force under his control or administration to carry a firearm, the firearm issued and carried shall be a .38 special calibre all-steel double action revolver, with a minimum barrel length of four inches, a safety hammer block and a swingout cylinder, and having a minimum weight of thirty ounces and a single action trigger pressure of not less than three and not more than five pounds, but the Commissioner or chief of police may authorize any policewoman on the force under his control or administration to carry a revolver of the same specifications except that the minimum weight shall be twenty-three ounces and the minimum barrel length shall be three inches.

(2) Subject to subsections (3) and (4), the ammunition supplied for and used in a firearm prescribed in subsection (1) shall be factory loaded and shall have a solid bullet of lead alloy of semi-wadcutter configuration with a muzzle velocity not exceeding 1,000 feet per second when fired in a revolver with a four-inch barrel.

(3) The Commissioner or chief of police or any other constable or police officer designated for the purpose by the Commissioner or chief of police, may authorize a member of a police force under his control to carry, for a special purpose, a firearm of a type other than that prescribed in subsection (1).

(4) Where on the 15th day of October, 1975 the members of a police force were carrying firearms of a type other than that prescribed by subsection (1), the Commission may, on such terms and conditions and for such period of time as it considers proper, authorize the continued carrying of such type of firearm. R.R.O. 1980, Reg. 790, s. 3.

4. Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself that the member has received instruction and is competent in its use, and where there is no chief of police, the board or committee of council, as the case may be, shall so satisfy itself. R.R.O. 1980, Reg. 790, s. 4.

5.—(1) A member of a police force shall carry his revolver in the holster issued to the member by the police force.

(2) The holster issued to a member of a police force shall be either,

(a) of a type that is covered by a full flap; or

(b) of a type that has been approved by the Commission for use by the members of the police force following an application by the board or, where there is no board, the committee of council.

(3) Subsection (2) does not apply to a holster that is worn concealed under clothing. O. Reg. 816/82, s. 1.

5a.—(1) No member of a police force shall alter or modify a firearm issued to the member, except as permitted under subsection (2).

(2) The Commissioner or chief of police or a member of the police force authorized by the Commissioner or chief of police may in writing permit an alteration or modification of a firearm issued to a member of the police force, except,

(a) an alteration or modification that would interfere with the safe and proper use of the firearm or of the holster in which it is carried; or

(b) the addition of a grip adapter, or of a trigger shoe or other device attached to the trigger. O. Reg. 364/84, s. 1.

6. No member of a police force shall draw or display his revolver, except when it is necessary to do so in the performance of his duty. R.R.O. 1980, Reg. 790, s. 6.

7. No member of a police force shall threaten or attempt to intimidate any person by means of a firearm, except when necessary in the performance of the member's duty. R.R.O. 1980, Reg. 790, s. 7.

8. No member of a police force shall draw a revolver except if the member believes, on reasonable and probable grounds, that to do so is necessary,

- (a) for the protection of the life of a person; or
- (b) for the apprehension or detention of a person who may cause death or grievous bodily harm to another person. O. Reg. 173/88, s. 1.

9.—(1) No member of a police force shall discharge a firearm in the performance of duty except if the member believes, on reasonable and probable grounds, that to do so is necessary,

- (a) for the defence of the life of a person;
- (b) for the apprehension, when other means are insufficient, of a person who may cause death or grievous bodily harm to another person;
- (c) to destroy an animal that is potentially dangerous or so badly injured that humanity dictates that its suffering be ended; or
- (d) to give an alarm or call for assistance in a critical situation where there is no reasonable alternative. O. Reg. 173/88, s. 2.

(2) Sections 3 to 8 and subsection (1) do not apply to a member of a police force when engaged in target practice or ordinary weapon maintenance in accordance with the regulations of the police force. R.R.O. 1980, Reg. 790, s. 9 (2).

9a.—(1) Unless otherwise directed by the board or committee of council, as the case may be, the chief of police or a superior officer, a member of a police force who is accompanying and supervising an auxiliary member of the police force may issue a firearm to the auxiliary member if the member believes, on reasonable and probable grounds, that they are entering into a situation in which it is necessary that the auxiliary member be armed,

- (a) for the defence of the life of a person; or
- (b) to assist in the apprehension, when other means are insufficient, of a person who may cause death or grievous bodily harm to another person.

(2) Sections 4 to 9, 10 and 11 apply to every auxiliary member to whom a firearm is issued under subsection (1). O. Reg. 173/88, s. 3.

10. Where a member of a police force, other than the Commissioner or chief of police, unintentionally or intentionally, except on a target range or in the course

of ordinary weapon maintenance, discharges his firearm, the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances. R.R.O. 1980, Reg. 790, s. 10.

11.—(1) Where a member of a police force, other than the Commissioner or chief of police, by the discharge of a firearm in the performance of his duty, kills or injures another person, the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.

(2) The Commissioner shall submit a report of any investigation made by him under subsection (1) to the Commission and the chief of police shall submit a report on any investigation made by him to the board or, where there is no board, with the committee of council.

(3) The Commission or the board or committee of council, on receiving a report of the Commissioner or the chief of police, as the case may be, under subsection (2) shall, as soon as practicable, review the report and make such further inquiries as it considers necessary or expedient.

(4) The board or committee of council shall file with the Commission any report submitted to it by the chief of police under subsection (2), together with a report of any additional inquiries undertaken.

(5) Where the Commissioner discharges his firearm in the performance of his duty, he shall forthwith report the matter to the Commission, who shall inquire into the circumstances.

(6) Where a chief of police discharges his firearm in the performance of his duty, he shall forthwith report the matter to the board or committee of council, as the case may be, and the board or committee shall inquire into the circumstances and file a report of such inquiry with the Commission.

(7) The Commission shall inform the Solicitor General of the contents of any report filed with it under subsection (2), (4), (5) or (6) and, on his request, submit to him a copy of such report for whatever action he considers necessary. R.R.O. 1980, Reg. 790, s. 11.

#### GAS AND CHEMICAL WEAPONS

12.—(1) Subject to subsection (2), no member of a police force shall use any gas or chemical weapon.

(2) The use of the substance commonly known as tear gas is permitted, provided it is not applied intentionally in concentrated form directly to the person. R.R.O. 1980, Reg. 790, s. 12.

#### MOTOR VEHICLES

13. No member of a police force shall use a sub-compact motor vehicle for the purpose of general police patrol. O. Reg. 336/81, s. 1.

Schedule  
CODE OF OFFENCES

1. Any chief of police, other police officer or constable commits an offence against discipline if he is guilty of,

(a) DISCREDITABLE CONDUCT, that is to say, if he,

- (i) acts in a disorderly manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force,
- (ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,
- (iii) uses profane, abusive or insulting language to any other member of a police force,
- (iv) wilfully or negligently makes any false complaint or statement against any member of a police force,
- (v) assaults any other member of a police force,
- (vi) withholds or suppresses a complaint or report against a member of a police force,
- (vii) is guilty of an indictable offence or an offence punishable upon summary conviction under the *Criminal Code* (Canada), or
- (viii) contravenes any provision of the *Police Act* or the regulations;

(b) INSUBORDINATION, that is to say, if he,

- (i) is insubordinate by word, act or demeanour, or
- (ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;

(c) NEGLECT OF DUTY, that is to say, if he,

- (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force,

- (ii) idles or gossips while on duty,
- (iii) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,
- (iv) by carelessness or neglect permits a prisoner to escape,
- (v) fails, when knowing where an offender is to be found, to report him or to make due exertions for bringing him to justice,
- (vi) fails to report a matter that it is his duty to report,
- (vii) fails to report anything that he knows concerning a criminal or other charge, or fails to disclose any evidence that he, or any person within his knowledge, can give for or against any prisoner or defendant,
- (viii) omits to make any necessary entry in any official document or book,
- (ix) feigns or exaggerates sickness or injury to evade duty,
- (x) is absent without leave from or late for parade, court or any other duty, without reasonable excuse, or
- (xi) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty;

(d) DECEIT, that is to say, if he,

- (i) knowingly makes or signs a false statement in an official document or book,
- (ii) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
- (iii) without lawful excuse destroys or mutilates an official document or record or alters or erases an entry therein;

(e) BREACH OF CONFIDENCE, that is to say, if he,

- (i) divulges any matter which it is his duty to keep secret,
- (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the

lawful execution of such warrant or service of such summons,

(iii) without proper authority communicates to the public press or to any unauthorized person any matter connected with the police force,

(iv) without proper authority shows to any person not a member of the police force or any unauthorized member of the force any book, or written or printed paper, document or report that is the property of the police force,

(v) makes any anonymous communication to the chief of police or superior officer or authority,

(vi) canvasses, except as authorized by the Act or the regulations, any person in respect of a matter concerning the police force,

(vii) signs or circulates a petition or statement in respect to a matter concerning the police force, except through the proper official channel or correspondence or established grievance procedure, or

(viii) calls or attends any unauthorized meeting to discuss any matter concerning the police force;

(f) CORRUPT PRACTICE, that is to say, if he,

(i) takes a bribe,

(ii) fails to account for or to make a prompt, true return of money or property received in an official capacity,

(iii) directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the chief of police,

(iv) places himself under a pecuniary or other obligation to a licensee concerning the granting or refusing of whose licence a member of the police force may have to report or give evidence,

(v) improperly use his character and position as a member of the police force for private advantage,

(vi) in his capacity as a member of the police force writes, signs or gives,

without the consent of the Chief of Police, a reference or recommendation to a member or former member of the police force, or any other police force, or

(vii) without the consent of the chief of police, supports in any way an application for a licence of any kind.

(g) UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, that is to say, if he,

(i) without good and sufficient cause makes an unlawful or unnecessary arrest,

(ii) uses any unnecessary violence to a prisoner or other person contacted in the execution of duty, or

(iii) is uncivil to a member of the public;

(h) DAMAGE TO CLOTHING OR EQUIPMENT, that is to say, if he,

(i) wilfully or carelessly causes waste, loss or damage to any article of clothing or equipment, or to any book, document or other property of the police force, or

(ii) fails to report waste, loss or damage however caused;

(i) CONSUMING INTOXICATING LIQUOR IN A MANNER PREJUDICIAL TO DUTY, that is to say, if he,

(i) while on duty is unfit for duty through drinking intoxicating liquor, or

(ii) reports for duty and is unfit for duty through drinking intoxicating liquor, or

(iii) except with the consent of a superior officer or in the discharge of duty, drinks or receives from any other person intoxicating liquor on duty, or

(iv) demands, persuades or attempts to persuade another person to give or purchase or obtain for a member of the police force any intoxicating liquor, while on duty;

(j) LENDING MONEY TO A SUPERIOR; OR

(k) BORROWING MONEY FROM OR ACCEPTING A PRESENT FROM ANY INFERIOR IN RANK.

2. Any chief of police, other police officer or constable also commits an offence against discipline and shall be liable to punishment as provided in the regulations, if he connives at, abets or is knowingly an accessory to any offence against discipline under this code. R.R.O. 1980, Reg. 791, Sched.







FOR IMMEDIATE RELEASE

# COMMUNIQUÉ

## NEWS RELEASE

### New Regulations Announced on Police Use of Force, Code of Conduct

September 4, 1992, TORONTO -- New Use of Force and Code of Conduct regulations for police officers were announced today by the Honourable Allan C. Pilkey, Solicitor General.

"The use of force is a safety issue for everyone in Ontario," said Mr. Pilkey. "This regulation will increase public and officer safety by greatly enhancing use of force training for police officers, by providing clear direction to police on the appropriate use of force, and by outlining the accountability the police have to the public. This regulation will help assure the public that the use of force by police will be reasonable and justifiable."

The new regulation emphasizes greatly enhanced training at both the recruit and requalification levels, less-than-lethal force options, and accountability mechanisms (including use of force reporting). The Ministry will be providing funds of \$2.1 million this fiscal year, and \$3.5 million in the 1993/94 fiscal year to upgrade training programs at the Ontario Police College. It will also be providing financial support to municipal police services for training purposes.

In announcing the Code of Conduct regulation, Mr. Pilkey said that discriminatory behaviour, including discrimination on the basis of gender, race or disability, may result in disciplinary action under the Police Services Act. "I am confident this regulation will help to safeguard the fundamental rights of all persons in Ontario and will enhance public confidence in Ontario's police services."

The new regulations fall under the Police Services Act and amend previous regulations under the old Police Act. The Ministry has worked on developing new regulations for some time to ensure that regulations are current, viable and are in keeping with key recommendations of the Clare Lewis Task Force on Race Relations and Policing (1989). As part of the development process, a five-week public consultation was undertaken. This included consultation with an 11-member Committee on Public and Officer Safety, composed of police and community representatives, who met to review the proposed regulations and to make recommendations to the Solicitor General.

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Ministry of  
the Solicitor  
General

Ministère du  
Soliciteur  
général

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"I want to thank everyone who contributed to the shaping of these important regulations," said Mr. Pilkey. "I am confident these regulations are fair and progressive and will benefit the police and the community in all parts of this province."

Mr. Pilkey also made two other announcements today. First, in support of the regulation's emphasis on less-than-lethal force options, the Ministry endorses the use of aerosol weapons by Ontario police services. This includes the use of oleoresin capsicum (commonly known as cayenne pepper spray) as a less-than-lethal force option. All officers who will be using the spray must undergo specialized training in its use. In addition, the Ministry announced it is issuing a prohibition on the training on, and use of the carotid restraint (choke-hold) by police officers.

Copies of the amended regulations and a backgrounder paper are available through the Ministry.

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*Ce document est aussi disponible en français*

# BACKGROUND CONTEXTE

**The Use of Force and Code of Conduct for Ontario Police Officers  
Amended Regulations Under the Police Services Act**

September 4, 1992



Ministry of  
the Solicitor  
General

Ministère du  
Soliciteur  
général



## INTRODUCTION

Public confidence is the foundation of effective community policing. Society has entrusted police officers with special powers and responsibilities through legislation. We expect, therefore, that police will fulfil their duties with credibility and integrity, and with sensitivity to the needs of our multicultural and multiracial society.

On September 4, 1992 the Solicitor General announced two amended regulations under the Police Services Act which apply to municipal and provincial police officers. The first amends the regulation on the Use of Force by police officers, and the second updates the Code of Conduct for police. These regulations respond to police and public concern for greater guidance and direction of police officers in these areas in the fulfilment of their duties.

## THE USE OF FORCE

Preserving the peace and preventing crime are fundamental goals of quality policing. Furthermore, these goals must be achieved with the least risk to the police and the public.

Sometimes, in upholding the law, police must use force. Police are authorized to use a range of techniques to preserve the peace, prevent crimes, maintain order and apprehend suspects. These techniques can range from the mere physical presence of a police officer at a scene, to discharging a firearm as a means of protecting life.

Police officers are taught to use only as much force as is necessary to bring a situation under control. If they use excessive force, they can be held criminally responsible for their actions under the Criminal Code of Canada, and may additionally be subject to internal discipline under the Police Services Act.

The Solicitor General has announced an amended Regulation 790 on the Use of Force which focuses on officer and public safety. It provides police officers with:

- clear authority to use force balanced with accountability mechanisms for such use
- support for this special power through enhanced training
- alternatives to the use of lethal force.

Key elements of the announcement on the Use of Force include a clear definition of the situations in which use of lethal force is permissible, and a requirement for police officers to file a report whenever: an officer draws a handgun in the presence of a member of the public; an officer discharges a firearm; a weapon other than a firearm is used on another person; and when physical force is used that results in an injury requiring medical attention. This information is to be used primarily at the local police service level to determine training and local policy refinements needs.

In other announcements, the Ministry has endorsed the use of aerosol weapons. This includes the use of oleoresin capsicum (pepper spray) as a less-than-lethal force option. As well, the Ministry will be issuing a prohibition on the training on and use of the carotid restraint hold by police officers.

### DIFFERENCES BETWEEN THE FEDERAL AND PROVINCIAL LAWS

Currently, Ontario police officers are governed in the use of force by federal and provincial statutes. Section 8 of the new regulation under the Police Services Act (provincial), states that "a member of a police force shall not draw a handgun and discharge a firearm, unless he or she believes, on reasonable grounds, that to do so is necessary to protect against the loss of life or serious bodily harm."

At the same time, police officers are governed by the Criminal Code (federal) which allows a police officer to draw and discharge a firearm to apprehend a suspect who attempts to escape, unless escape can be prevented by less violent means. The Ministry has made the Federal Government aware that we support changes to that section of the Criminal Code which allows the use of lethal force against a fleeing individual who does not present a risk to life. The federal Minister of Justice recently presented a discussion paper at the Canadian Association of Chiefs of Police annual meeting in Victoria on this issue.

Police officers who contravene the Police Services Act regulation are subject to disciplinary proceedings under the Act which can result in dismissal. A criminal charge can be laid only where the provisions of the Criminal Code have been contravened.

### THE POLICE CODE OF CONDUCT

A key principle of the Police Services Act calls for "the need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society."

Regulation 791 - Code of Conduct is an ethical and legal standard establishing the way in which police officers must conduct themselves in the performance of their duties. The public must feel confident that the police are fulfilling their duties and responsibilities, in accordance with the powers vested in them to serve and protect the public, with integrity and professionalism.

Under the Police Services Act, departures from the behaviour/conduct standards expected of police officers under the Code of Conduct, may result in disciplinary proceedings.

The amended regulation contains a reference to the unacceptability of any discriminatory behaviour/conduct, including discrimination on the basis of gender, race, or disability.

## BACKGROUND TO THE DEVELOPMENT OF THE NEW REGULATIONS

For some time, the Ministry of the Solicitor General has been working on the development of amended regulations on the Use of Force and Code of Conduct for police officers. These regulations were to be current, viable and in keeping with key recommendations made by the Task Force on Race Relations and Policing.

In May 1992, the Solicitor General announced that proposed regulations on the Use of Force and Code of Conduct would be issued for public input within one month.

On June 16, the Solicitor General invited public input into the proposed regulations on the Use of Force and the Code of Conduct for police officers. As part of this consultation process, an 11-member Committee on Public and Officer Safety, which included police and community representatives, was formed to review the proposed regulation and to make its recommendations to the Solicitor General.

Also in June, Stephen Lewis, special advisor on race relations to the Honourable Bob Rae, Premier of Ontario, issued a series of recommendations to the Premier to address issues of justice processes and systemic barriers to minority groups. One of these recommendations was for an amended Use of Force regulation, to be put into effect by this September. In his report to the Premier, Mr. Lewis acknowledged that the Ministry of the Solicitor General was already well underway with the process of developing an amended regulation on the Use of Force.

## FOCUS ON ENHANCED TRAINING

The amended Use of Force regulation will provide a foundation upon which other critical elements, such as police education systems, can be built. The Use of Force regulation specifically addresses enhanced recruit and requalification training for police officers. This standardized training will ensure consistency in the use of force by police services. And, it will better equip police with alternatives to lethal force through emphasis on judgement, theory, context of use of force, legislation, and practical proficiency.

The government is sensitive to the financial pressures on police services and municipalities, and is providing funding to provincial and municipal police training facilities.

The Ontario Police College will be provided with:

- \$2 million over two years to purchase "interactive" state-of-the-art training simulators, which confront police officers with actual situations they might face, but in a safe training environment. A total of 20 simulators will be used at the college and distributed throughout the province for use by municipal police services.

- Approximately \$1 million to develop an "interactive" training room, which takes the experiential training available through the simulators a step further. This highly sophisticated training room will allow police officers to further enhance judgement, theory, and context of use of force training in "shoot-don't shoot" situations. The training room technology uses three-dimensional imagery to simulate real-life law enforcement situations. Police officers will have to make split-second decisions about whether or not to fire live ammunition at scenarios which unfold around them. The ammunition fired will be absorbed into state-of-the-art, self-healing rubber walls.
- Approximately \$1.1 million over two years to build additional firing ranges and upgrade the safety of the existing ranges.
- \$800,000 annually beginning in 1993/94 to enhance recruit training curriculum and delivery.

The Ontario Provincial Police will be provided with \$100,000 annually beginning in 1993/94 fiscal to assist in augmenting its requalification training.

The Ministry is also committed to providing some financial support to municipal police services for training purposes, but the amount and mechanisms for funding are still under review.

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LM-8A

REGULATION TO AMEND  
REGULATION 790 OF REVISED REGULATIONS OF ONTARIO, 1980  
MADE UNDER THE  
POLICE SERVICES ACT

1. The title to Regulation 790 of Revised Regulations of Ontario, 1980 is revoked and the following substituted:

EQUIPMENT AND USE OF FORCE

2. Section 2 of the Regulation is revoked and the following substituted:

2. In this Regulation,

"board" means a municipal police services board;

"firearm" means a firearm as defined in section 84 of the Criminal Code (Canada);

"handgun" means a revolver or pistol that may be carried under section 3.

3. Section 4 of the Regulation is revoked and the following substituted:

4. Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself or herself that the member has successfully completed the training required by section 12.2 and is competent in the use of the firearm.

4. Sections 6 and 7 of the Regulation are revoked.

5. Section 8 of the Regulation, as remade by section 1 of Ontario Regulation 173/88, is revoked and the following substituted:

8. A member of a police force shall not draw a handgun or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm.

8.1 Sections 3 to 8 do not apply to a member of a police force when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force.

6. Section 9 of the Regulation, as amended by section 2 of Ontario Regulation 173/88, is revoked and the following substituted:

9. Despite section 8, a member of a police force may discharge a handgun or other firearm,

- (a) to call for assistance in a critical situation, if there is no reasonable alternative; or
- (b) to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.

7. Section 9a of the Regulation, as made by section 3 of Ontario Regulation 173/88, is revoked and the following substituted:

9.1-(1) Unless otherwise directed by the board, the chief of police or a superior officer, a member of a police force who is accompanying and supervising an auxiliary member of the police force may issue a firearm to the auxiliary member if he or she believes, on reasonable grounds, that they are entering into a situation in which it is necessary that the auxiliary member be armed to protect against loss of life or serious bodily harm.

(2) Sections 4 to 9, sections 10 and 11 and sections 12.2 to 12.5 apply to an auxiliary member to whom a firearm is issued under subsection (1).

8. Subsections 11(2) to (7) of the Regulation are revoked and the following substituted:

(2) A report on the investigation shall be submitted,

- (a) to the Solicitor General, in the case of an investigation by the Commissioner; or
- (b) to the board, in the case of an investigation by the chief of police.

(3) The Solicitor General or the board shall, as soon as practicable, review the report and make such further inquiries as the Solicitor General or the board considers appropriate.

(4) The board shall file with the Solicitor General a copy of any report submitted to it under subsection (2), together with a report on any additional inquiries made by the board.

(5) If the Commissioner discharges a firearm in the performance of his or her duty, the Commissioner shall promptly report the matter to the Solicitor General and the Solicitor General shall cause an investigation to be made into the circumstances.

(6) If a chief of police discharges a firearm in the performance of his or her duty, the chief of police shall promptly report the matter to the board and the board shall cause an investigation to be made into the circumstances and shall file a report on the investigation with the Solicitor General.

9. Section 12 of the Regulation and the heading preceding it are revoked and the following substituted:

#### OTHER WEAPONS

12.- (1) A member of a police force shall not use a weapon other than a firearm on another person unless,

- (a) that type of weapon has been approved for use by the Solicitor General;
- (b) the weapon conforms to technical standards established by the Solicitor General; and
- (c) the weapon is used in accordance with standards established by the Solicitor General.

(2) Subsection (1) does not apply to the use of a weapon on another member of the police force in the course of a training exercise in accordance with the rules of the police force.

(3) This section comes into force on the 1st day of March, 1993.

12.1-(1) Subject to subsection (2), a member of a police force shall not use any gas, chemical or aerosol weapon.

(2) Subject to section 12,

- (a) the use of the substance commonly known as tear gas is permitted if it is not applied intentionally in concentrated form directly to the person; and
- (b) the use of an aerosol weapon is permitted if the active ingredient is not a gas or chemical.

### TRAINING IN THE USE OF FORCE

12.2-(1) A member of a police force shall not use force on another person unless the member has successfully completed a training course on the use of force.

(2) A member of a police force shall not carry a firearm unless, during the twelve previous months, the member has successfully completed a training course on the use of firearms.

12.3-(1) Every police force shall ensure that, at least once every twelve months,

- (a) every member of the police force who may be required to use force on other persons receives a training course on the use of force;
- (b) every member of the police force who is authorized to carry a firearm receives a training course on the use of firearms.

(2) The police force shall maintain written records of the training courses taken by members of the police force on the use of force and the use of firearms.

(3) This section comes into force on the 1st day of June, 1994.

12.4 The training courses referred to in sections 12.2 and 12.3 shall include training on the following matters:

1. Legal requirements.
2. The exercise of judgment.
3. Safety.
4. Theories relating to the use of force.
5. Practical proficiency.

### REPORTS ON THE USE OF FORCE

12.5-(1) A member of a police force shall submit a report to the chief of police or Commissioner whenever the member,

- (a) draws a handgun in the presence of a member of the public, excluding a member of the police force while on duty, or discharges a firearm;
- (b) uses a weapon other than a firearm on another person; or

(c) uses physical force on another person that results in an injury requiring medical attention.

(2) The report shall set out the facts surrounding the occurrence in respect of which the report is required.

(3) Subsection (1) does not apply when,

(a) a handgun is drawn or a firearm is discharged in the course of a training exercise, target practice or ordinary firearm maintenance in accordance with the rules of the police force;

(b) a weapon other than a firearm is used on another member of a police force in the course of a training exercise in accordance with the rules of the police force; or

(c) physical force is used on another member of a police force in the course of a training exercise in accordance with the rules of the police force.

(4) The Solicitor General may require a chief of police or the Commissioner to deliver or make available to the Solicitor General a copy of a report submitted under subsection (1).

(5) Every police force shall review on a regular basis its policies on the use of force and on the training courses provided under section 12.3, having regard to the reports submitted under subsection (1).

(6) This section comes into force on the 1st day of January, 1993.



LM-4

REGULATION TO AMEND  
REGULATION 791 OF REVISED REGULATIONS OF ONTARIO, 1980  
MADE UNDER THE  
POLICE SERVICES ACT

1.-(1) The Schedule to Regulation 791 of Revised Regulations of Ontario, 1980 is amended by striking out the heading "Code of Offences" and substituting "Code of Conduct".

(2) Clause 1(a) of the Schedule is amended by adding the following subclauses:

- (i.1) fails to treat or protect a person equally without discrimination with respect to police services because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,
- (i.2) uses profane, abusive or insulting language that relates to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.



**Appendix C**

**INTERIM REPORT**

**MONITORING**  
**(August 17, 1992)**



THE TASK FORCE ON RACE RELATIONS AND POLICING  
INTERIM REPORT  
MONITORING

TO: Solicitor General of Ontario

August 17, 1992



INTERIM REPORT - MONITORING

A. MONITORING RECOMMENDATIONS (1989)

The Task Force on Race Relations and Policing was created on December 13, 1988, by the then Solicitor General of Ontario. In reviewing its Terms of Reference, the Task Force decided that "Monitoring" was indeed, paramount, and given the critical need, dealt with it first in the Task Force report. With respect to the issue of monitoring, the Task Force was required to inquire and report on:

"Ways in which a monitoring system may be established to provide for a regular review of the interaction between visible minorities and the police."

We argued in response to this Term of Reference that despite five prior major reports of relevance:

"the public perception that little change has resulted from these reports has led to a general loss of faith in the system's ability to deal with problems of race relations. ... Recommendations were made to respective levels of government which, in turn, decided which recommendations should be implemented. These bodies were never required to give a public account detailing which recommendations had or had not been accepted. As a result, no meaningful public assessment of the success of the proposed strategies for change has been possible."

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In our report, delivered in April of 1989, we noted that most of those who had made oral and written submissions to us did so with a deep sense of cynicism, expressed as doubt that our process would have meaningful effect on government or the police. We stated, in the executive summary of our 1989 report;

"There is some justification for this perception. Failure to provide effective monitoring of government and police response to previous recommendations, and to enable meaningful assessment of successes or otherwise of initiatives undertaken, has resulted in a cyclical pattern of crisis response. Controlled, reviewed and evaluated progress towards identified and generally accepted race relations and policing goals has been markedly absent.

The Task Force reports unequivocally that relations between police and visible minorities are at a dangerously low level. A good police and visible minority relationship is a complex process requiring constant attention, and a comprehensive plan of tangible, measurable and observable deeds. Monitoring is the key to the success of any such comprehensive plan.

We assert that a monitoring system specific to the institution of policing in relation to visible minorities is required. An imperative is the establishment of a monitoring process which will attract and maintain public confidence. To do so requires some independence from government and the police and some authority to ensure achievement of established goals." (emphasis added)

To that end, we considered the creation, by statute not later than September of 1989, of an agency with appropriate staff and a Board of Commissioners, to be known as the Ontario Race Relations and Policing Review Board. We recommended that the Board should be composed of three to five civilian members, with a minority from a policing background. Each member should be full time and appointed

by the Lieutenant Governor In Council on the recommendation of the Solicitor General.

The Task Force envisaged the Board as being at "arms-length" from government, reporting through the Solicitor General to the Legislature, and having extensive authority. The Board was intended to have facilitative, objective decision-making, and evaluative functions to monitor the interaction between racial minorities and the police, and to provide, independent of government, an on-going review of change processes in Ontario police forces.

We considered the need for an effective monitoring agency to be so critical that we recommended an extensive and inter-related set of duties which were set out in detail in Recommendations 4, 5, 6-9, 11, 22-24 and 50 of our 1989 report. All previous Task Force recommendations relating to the Board are attached to this Interim Report as Appendix "A". They were intended to provide the Board with an active oversight and consultative role in ensuring rapid, time-limited development and effective implementation of, amongst others:

- employment equity plans and recruitment;
- bias free recruitment, testing and selection instruments and processes;
- an Organizational Climate and Employee Satisfaction Survey for administration to all visible minority officers and sworn employees of Ontario police forces;

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- revised and integrated police race relations training;
- train-the-trainers programs;
- a crisis response mechanism for adoption and use by government, police institutions and community organizations.

Further, we sought, in Recommendation 4 to provide the public with a window into both government and police activity by assigning the Board among other reportable duties, responsibility:

"To provide assistance to the Solicitor General in the implementation of recommendations of the Race Relations and Policing Task Force."

and

"To perform an audit of police policies, priorities and procedures as they relate to the interaction of visible minorities and the police."

**B. DECISION NOT TO IMPLEMENT**

The Government of Ontario did not accept the monitoring recommendation in principle, and no monitoring agency has been created. Many other recommendations of the Task Force have been accepted in principle and there has been, with varying success, development and implementation of some of those accepted recommendations. However, it is our opinion after an intensive preliminary review, there exists no monitoring mechanism capable of determining what recommendations were accepted, or of assessing the degree and quality of implementation. We are also not aware at

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this time of the existence of a capacity to perform an audit of police policies, priorities and procedures as they relate to the interaction between racial minorities and police.

In our view, one result of the absence of a monitoring body has been the need to recall the Task Force as recommended by Stephen Lewis in his report to the Premier on June 9, 1992 to:

"... assess the status of current implementation, the status of recommendations still outstanding, and to suggest precisely how to proceed. [The Task Force] should be asked to report by October 15, 1992. [The Task Force] should also be at liberty to make further recommendations as appropriate."

In effect, the Task Force is now, on an urgent basis, requested to do much of what we had conceived to be an essential on-going function of a properly constituted monitoring agency. The body which we had proposed three years ago would, by now, have developed expertise and oversight capacity of value to the government, the police, the public at large and racial minority communities in particular. It is our respectful view that such an agency would have, during that period, provided government with a capacity for co-ordination of effort, and timely awareness of both impediments to progress and potential problems in police and racial minority relations. So too, it would, with its research capacity, have been able to develop an appropriate methodology for its intended duty "to perform audits of police policies, practices and procedures as they relate to the interaction of visible minorities and the police."

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The lack of this auditing capacity, intended to be provided by the monitoring agency, in our view, has led Stephen Lewis to state the need "to monitor the management of race relations issues within the police forces of Ontario" and to recommend:

"By September 1, 1992, a community based Monitoring and Audit Board be established to work in conjunction with the Race Relations and Policing Unit of the Ministry of the Solicitor General. In collaboration with police forces and municipalities, a systematic audit of police Race Relations policies be pursued to the extent and in the number that appears reasonable in any given year."

We believe that Stephen Lewis' recommendation is similar in functional intent to that of the Task Force made three years ago. The Task Force sees merit in the establishment of the Board outlined in Stephen Lewis' recommendation. However, we are concerned that a community-based Board with a mandate solely to direct and analyze race relations audits will not incorporate a comprehensive monitoring process, to the degree we feel necessary.

As stated earlier, in 1989, one of the Terms of Reference of the Task Force was to report on "ways in which a monitoring system may be established to provide for a regular review of the interaction between visible minorities and the police". To address properly the original Term of Reference, the role of a Board through which a regular review of the interaction between racial minorities and the police can occur must have roles and responsibilities beyond those set out in the preamble to Stephen Lewis' recommendation.

c. CURRENT STATUS

The Task Force was re-constituted on July 15, 1992. Our recent process began with a review of the response of the Ministry of the Solicitor General to 1989 recommendations. The Ministry is charged with the overall responsibility for ensuring the successful implementation of police race relations policy, and for guiding police services in conformity.

While no monitoring agency was established, the Ministry created within itself, the Race Relations and Policing Unit, reporting directly to the Deputy Solicitor General. It was divided into three branches and charged with three primary responsibilities. Its Employment Equity Branch was to develop an Employment Equity Regulation and ensure implementation of that scheme. Its Race Relations Training Branch was to develop and ensure implementation of new race relations training for police officers. Its Police/Community Relations Branch was to develop community grants programs and a race relations policy for police services.

The Race Relations and Policing Unit was created to perform certain research, program development, and advisory roles recommended by the Task Force to be undertaken by the recommended Ontario Race Relations and Policing Review Board. It is clear the Race Relations and Policing Unit was not tasked with the

responsibility of monitoring. Certainly, the Unit was not given the resources or the structure to perform a monitoring function. The efforts of the Unit were specially devoted to development and implementation of particular programs selected in response to individual Task Force recommendations.

In our final report, we will comment more precisely on the results of this approach. In general, it is clear that, while not within recommended time frames, there has been some success to date in relation to employment equity. The Employment Equity Regulation is in place and individual police service employment equity plans are undergoing an approval process. We do, however, have concerns regarding the approach of government to supporting police services in achieving employment equity, which we will detail in our final report.

The work of the Police/Community Relations Branch has resulted in the development of a community grants program. The initiative at present appears to be at a standstill as a result of budget cuts affecting staffing. Three years after the recommendation was made, a police race relations policy remains in draft form.

While we will report more fully in this regard, the extensive work done by the Unit's Race Relations Training Branch to develop and integrate race relations training into training modules at the Ontario Police College at Aylmer, has been largely unsuccessful.

The Task Force made particular note, in 1989, of the entirely inadequate nature of most Ontario police race relations training. We recommended an integral role for the proposed monitoring agency in ensuring success in the creation and delivery of clearly necessary and effective race relations training for police. The monitoring agency was not created and we report that, with one exception, the Ministry has not yet succeeded in delivering new race relations training for police officers. Aside from limited test sessions, there has been no new race relations training at the Ontario Police College and almost no individual police services have received new in-service race relations training. Recently, staffing of the Race Relations Training Branch of the Unit has been severely reduced by budget cuts.

We had intended in 1989 that the monitoring agency which we recommended would assist government in co-ordinating development and implementation of its programs to ensure equitable relations between police and racial minority communities while providing an accessible means for public participation in that process. Aside from the Race Relations and Policing Unit's initiatives, the Ministry has other proposals in planning and consultative stages to respond in whole or in part to certain Task Force recommendations in areas such as community policing, use of force regulations and officer recruitment. There has not been, nor is there now a monitoring body capable of assisting the Ministry in adequately completing these responses.

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We recognize, and do not discount, that there has been significant work done by the Ministry in some areas, including the development of a major strategic plan for all of police training and education. While the plan has much to commend it, we note that it does not have a significant race relations component.

D. CONTINUED NEED FOR MONITORING

We are of the view that, overall, there has not been a fully co-ordinated, reviewed, and publicly assessable approach to the development and implementation of the Ministry's race relations and policing program. Further, we believe that Ministry decisions on allocation of funding have resulted in the removal of funds from this area to support other Ministry operations.

We maintain that a properly constituted monitoring agency, with its mandate, expertise and public contribution, would have assisted the Ministry in achieving necessary co-ordination and funding. In recommending such an agency, we recognized past events have shown the difficulty government has had in achieving success in these matters without benefit of a monitoring body. It is not reasonable to expect police to deal with these issues without concerted government leadership and support.

E. URGENCY

In 1989, we stressed the urgency which we felt attached to finding solutions to the strained relations between police and racial minorities. To reflect that urgency, and meet the need, we assigned some time limits within which we thought recommendations might reasonably be implemented while addressing a critical situation. More than three years has elapsed and most of our recommended time limits have passed with little demonstrable effect. Stephen Lewis has now spoken of urgency and has assigned very tight time limits to his recommendations. We support his view that action must be swift if this government is to take control of the issues. The police and the community have critical need of guidance and support.

F. PUBLIC CONFIDENCE

It is our view that the monitoring function ought not to be placed within any existing agency of government. We repeat our earlier view that a monitoring system must pertain specifically to the institution of policing in relation to racial minorities. We believe that the task is sufficiently complex, and urgent that a specialized body is required. Further, we still believe that the appointment of a community based advisory committee to the Solicitor General will not suffice.

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We argued in 1989 that an advisory committee would be weak, not action-oriented, and unable to facilitate, evaluate programs, and promote accountability. Such a body would not achieve the goals of either this Task Force or of those set out in the Stephen Lewis Report. It would not work, and would not gain or maintain public confidence.

The Task Force remains convinced that the mistrust by racial minority communities of both political and bureaucratic entities to deal effectively with issues concerning race relations and policing is as intense now as it was in 1989. As our racial and cultural diversity increases, these issues become more complex. To overcome this mistrust of government capacity to respond effectively, government must break the cycle of crisis which has been created by successive government failure to adopt and implement fully accepted recommendations. That goal can only be achieved if government is prepared, politically and bureaucratically, to accept some independent assessment by an ongoing monitoring body, and committed to responding to its recommendations.

G. RACE RELATIONS AND POLICING MONITORING AND AUDIT BOARD

We continue to believe that if the monitoring concept had been implemented, it would have served the government, the public and the police well. At this time, however, we have modified our original position which involved the creation, by statute, of the

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Ontario Race Relations and Policing Review Board. We recognize that some of its proposed facilitative functions are already under way within the Ministry. Further, we understand that our proposal gave rise to concerns that it would not meet the needs of ministerial accountability. The Board proposed was perceived as too independent and as removing critical responsibilities from the Ministry of the Solicitor General, thereby negating required political accountability resting in the Minister.

The Task Force accepts that these developments, and the principle of ministerial accountability now require a revised approach to monitoring. However, we continue, as does Stephen Lewis, to assert the need for an effective monitoring mechanism which will attract and maintain public confidence. We understand that the government is considering a number of monitoring options at present.

We now recommend the establishment of a Race Relations and Policing Monitoring and Audit Board with a full-time Chair appointed by the Lieutenant Governor In Council, and part-time community members similarly appointed. The Board should report directly to the Solicitor General.

We do not believe that the Race Relations and Policing Unit should either staff or provide administrative support to the Board. The Board requires the independence of its own staff to fulfil its

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monitoring role and audit function. Further, the Board must have an independent research capacity to enable it to assist in the development of a race relations audit methodology and to identify emerging trends in interaction between racial minorities and the police.

The proposed roles and responsibilities of the recommended Race Relations and Policing Monitoring and Audit Board are set out below. Its establishment would require legislative amendment.

The Board, through reviewing Ministry initiatives, would assist the Minister in implementing race relations and policing programs. Further, the Board would perform its audit function by creating and continuing to refine audit methodology for the audit of police policies, practices and procedures as they relate to the interaction of racial minorities and police, by reviewing completed audits, and by making recommendations to the Minister in response to that review.

We believe it is of significance that the race relations audit referred to in Stephen Lewis' report is being carried out by the Metropolitan Auditor who is independent of the Metropolitan Toronto Police Force and of the Ministry. However, as was noted in Stephen Lewis' report, not every municipality will have the capacity to carry out an audit. Accordingly, we envisage race relations audits of other police services being carried out by Police Service

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Advisors of the Policing Services Division of the Ministry. To ensure an element of independence remains, it is critical the Board create audit methodology, select police services to be subject to a race relations audit, receive and review audit results, and make recommendations to the Minister. A legislative amendment could provide the Solicitor General with authority to enforce compliance with accepted audit recommendations by the Board and could require Police Services Boards to respond to the Race Relations and Policing Monitoring and Audit Board with plans of action for implementing audit recommendations.

The Board's public composition and obligation to consult publicly would both inform the Minister of needed action and gain community support through a public sense of ownership. It must be permitted to speak publicly, and if necessary, critically.

Before making our recommendations, we must state our concern at the process underway in responding to Stephen Lewis' Monitoring and Audit Board recommendation. It appears to us that in the three years since the decision was made to reject our previous recommendation of the need for a monitoring mechanism, no thought has been given either at the political or bureaucratic levels to this issue, including alternative monitoring means.

As a result of Stephen Lewis' recommendation in this regard, and his stated time limit for its establishment by September 1, 1992, the Ministry is now hastening to comply.

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The structure and function of a monitoring system which will be effective, and gain and maintain public confidence require a thoughtful, measured consideration. We regret the need to respond to this issue so quickly, and respectfully suggest that the government might consider adopting the principle of the need for an effective monitoring system now, while permitting a brief period for reflection, considered consultation and examination of possible internal impediments to implementation. We note that the report of the Metropolitan Toronto Auditor on the recent race relations audit of the Metropolitan Toronto Police will be released by mid-September. The content of that report and an understanding of its process might valuably inform the decision of the government regarding the structure and roles of an effective monitoring process.

With that concluding statement we are, of course, anxious to assist the government in making its decision in the available time limits, and wish with this interim report to do so.

H. RECOMMENDATION

The Task Force recommends the establishment by amendment to the Police Services Act of a body to be known as the Race Relations and Policing Monitoring and Audit Board. The Board should have a full-time Chair and 9 part-time members, with representation that is equitable in terms of gender balance, geographic distribution, and racial and linguistic diversity, who shall be appointed by the Lieutenant Governor In Council. Three of the part-time members should have a policing background, but not be serving police officers. The Board should have its own administrative and research staff. The Board should

report and make recommendations to the Solicitor General, who should have authority to enforce compliance with audit recommendations of the Board. Police Services Boards should be required to respond to the Board with plans of action for implementing audit recommendations.

The designated roles and responsibilities of the Race Relations and Policing Monitoring and Audit Board shall be:

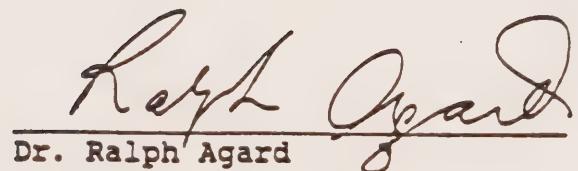
- (a) To monitor and review the interaction of racial minorities and police in the areas of employment, training, community relations, use of force, public complaints, media relations, policies on race relations, and access to services.
- (b) To receive periodic reports from any Division, Unit, or Branch of the Ministry engaged in matters related to issues of race relations and policing on any such issues inclusive of, but not limited to the following areas:
  - (i) Employment equity;
  - (ii) Race relations training;
  - (iii) Community/Police relations;
  - (iv) Race relations policy development.
- (c) To assess, on an on-going basis, the work of the Ministry in all such areas, and to recommend to the Minister a course of action to be taken arising from an assessment of reports.
- (d) To direct the work of its Research staff, through which the Board shall identify emerging issues in the interaction between racial minorities and police and bring to the Solicitor General's attention the need for changes in policy or initiatives.
- (e) To evaluate, at intervals set up under the Employment Equity Regulation, the implementation of police employment equity plans. The evaluation process shall include direct input from police services boards and chiefs of police, when deemed necessary.
- (f) To evaluate and report to the Minister on recruitment strategies prepared within the Ministry and police services.
- (g) To develop a race relations audit methodology.

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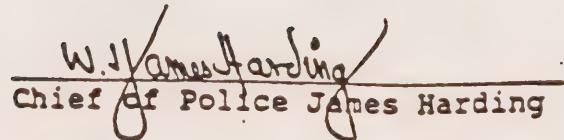
- (h) To determine which police services shall undergo a Policing Services Division race relations audit, and at what times.
- (i) To receive audits from Policing Services Division, and evaluate the audits, make recommendations to the Minister, and to comment publicly on the audits.
- (j) To obtain and review the action plan of a police service board to implement audit recommendations.
- (k) To report annually, to the Solicitor General, on the progress made in race relations and policing throughout the province, and to release interim reports during the course of any given year as it sees fit. The Board shall ensure all of its reports are made available to the public.
- (l) To receive, on a regular basis, submissions from the community.



Clare Lewis, Chair



Dr. Ralph Agard



W. James Harding  
Chief of Police James Harding

**APPENDIX "A"**



APPENDIX "A"

RECOMMENDATIONS

Monitoring

1. The Task Force recommends that, by September, 1989, the Government of Ontario through the Solicitor General create an agency, by statute, with appropriate staff and a Board of Commissioners, to be known as the Ontario Race Relations and Policing Review Board.  
(Page 44)
2. The Task Force recommends that the first Board of Commissioners of the Ontario Race Relations and Policing Review Board be comprised of three full-time civilians appointed by the Lieutenant Governor in Council, on the recommendation of the Solicitor General, for a term of three years, renewable for a further three-year term, and have:
  - i) a member with a policing background;
  - ii) a majority of visible minority members;
  - iii) a Chair who is, preferably, a visible minority.  
(Page 46)
3. The Task Force recommends that the Solicitor General require all police institutions and police governing authorities to prepare action plans in response to the recommendations of this Task Force which are accepted by the Solicitor General and to submit those plans to the Review Board for its consideration.  
(Page 48)
4. The Task Force recommends that the designated roles and responsibilities of the Ontario Race Relations and Policing Review Board be:
  - a) To promote a climate of healthy interaction between racial minorities and police forces in Ontario.
  - b) To monitor and review the interaction of visible minorities and police in the areas of employment, training and community relations.

- c) To provide the Solicitor General, the Government and Legislature of Ontario with periodic and annual reports on police and visible minority relations.
- d) To anticipate trends and identify emerging issues in the interaction between visible minorities and police and bring to the Solicitor General's attention the need for policy or initiative changes, either on its own or at the request of the Solicitor General.
- e) To provide assistance to the Solicitor General in the implementation of recommendations of the Race Relations and Policing Task Force.
- f) To collect, review and assess data in relation to the implementation of recommendations of the Race Relations and Policing Task Force.
- g) To provide on-going consultation to police governing authorities, Chiefs and Commissioners of Police and police training institutions in order to facilitate the establishment of regional and police agency-specific action plans to address issues related to police and visible minority relations.
- h) To establish and maintain on-going consultation with the Ontario Association of Chiefs of Police and the Municipal Police Authorities regarding regional action plans which have province-wide implications.
- i) To establish a research capacity to evaluate the degree and impact of racism in policing.
- j) To provide on-going consultation to police governing authorities, Chiefs and Commissioners of Police, police associations and police educational institutions on the implementation of policies related to emerging issues in the relationship of visible minorities and police as identified by the Solicitor General of Ontario, the

Policing Services Division, the Ontario Police Commission, the Ontario Association of Chiefs of Police, the Municipal Police Authorities, the community and the Review Board itself.

- k) To perform an audit of police policies, practices and procedures as they relate to the interaction of visible minorities and police.
- l) To review and advise on the race relations action plans of police organizations prior to their implementation.
- m) To receive, assess and approve:
  - (i) by June 1990, an initial visible minority employment equity policy, including a five-year program of hiring and promotional goals and timetables, from all police governing authorities and police forces;
  - (ii) thereafter, an annual report on the preceding year's response to visible minority employment equity goals and timetables from all police governing authorities and police forces;
  - (iii) an annual visible minority employment equity plan, pertaining to the ensuing five years, from all police forces.
- n) To establish, in consultation with policing institutions, visible minority employment equity goals and timetables in cases in which the plans developed independently by institutions do not meet with Board approval.

c) To report the failure of police organizations to meet approved or established employment equity goals and timetables:

(i) to the Solicitor General;

(ii) to the Ontario Human Rights Commission for investigation and action as an allegation of systemic discrimination.

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5. The Task Force recommends that the Ontario Race Relations and Policing Review Board report:

a) Annually, to the Legislature of Ontario through the Solicitor General but separately from the annual report of the Solicitor General.

b) Quarterly, on a consultative basis to the Cabinet Committee on Race Relations.

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#### Hiring and Promotion

6. The Task Force recommends that the Solicitor General seek to require, by regulation, all police governing authorities, and provincial and municipal police forces to establish a visible minority employment equity policy and a five-year program of hiring and promotional goals and timetables for all sworn peace officer and civilian positions by December, 1989.

a) Further, the Task Force recommends that these policies and programs be required, by regulation, to be submitted to the Ontario Race Relations and Policing Review Board for approval by a staff Employment Equity Inspector by not later than June 1990.

b) Further, the Task Force recommends that if a visible minority employment equity policy or program is not approved by the Review Board Employment Equity Inspector

that the policy or program be forthwith submitted to the Board of Commissioners of the Review Board for hearing and review and establishment of the policy or program by the said Board of Commissioners within 30 days.

- c) Further, the Task Force recommends that each police force, whose five year visible minority program of hiring and promotional goals and timetables has been approved or established by the Review Board, shall be required, by regulation, to submit annually thereafter a report to the Review Board describing its progress in achieving the approved or established visible minority hiring and promotional goals for the previous year and outlining, for approval or establishment by the Review Board, its visible minority hiring and promotional goals and timetables for the following five years, with the result that a five year plan will always continue to be in effect.
- d) Further, the Task Force recommends that in any year in which a police force has failed to achieve its approved or established visible minority hiring and promotional goals and timetables, the Review Board shall be empowered to refer the failure of the force to the Ontario Human Rights Commission as an allegation of systemic discrimination in employment practices by the said force for the Commission's investigation, determination and remedy, if appropriate.
- e) Further, the Task Force recommends that the Review Board annually report on and refer any such failures by a police force to meet its approved or established visible minority hiring and promotional goals and timetables to the Solicitor General for the Minister's assessment and when appropriate, recommendation to the government that the annual unconditional provincial per capita policing grant be withheld from the municipality responsible for the

maintenance of that police force. Similar financial sanctions should be considered in relation to the Ontario Provincial Police when appropriate.

f) Further, the Task Force recommends that the visible minority employment equity policies and hiring and promotional programs be required to reflect the appropriate representation of visible minority women, as well as visible minority men, available in the workforce.

g) Further, the Task Force recommends that the Review Board consider 1996 as the year for the achievement of the goal of all Ontario police forces being representative of the racial diversity of the communities they serve.

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7. The Task Force recommends that, by 1990, the Solicitor-General, after consultation with the police governing authorities, the Ontario Association of Chiefs of Police and the Police Association of Ontario, develop mechanisms by which lateral entry by members of other forces or direct entry by qualified civilians will be accomplished, thereby allowing entry at ranks above constable.

a) Further, the Task Force recommends that, by 1990, the Policing Services Division of the Ministry of the Solicitor General design an Officer Training Program to be offered at the appropriate police educational institution for all candidates seeking command and senior officer rank whether from within lower ranks of the forces, by lateral entry from another force or by direct entry from civilian occupations.

b) Further, the Task Force recommends that, by 1993, the Race Relations and Policing Review Board consider lateral entry and direct entry processes as well as accelerated promotional plans for the recruitment of visible minorities at all senior ranks when approving the goals and timetables of Ontario police forces.

(Page 80)

8. The Task Force recommends that the Solicitor General require each police governing authority to review immediately all sworn peace officer positions, at all levels, to determine which may be staffed by civilians and to convert such positions to civilian status by December 1989 and to include all civilian positions within required visible minority employment equity policies and hiring and promotional programs of goals and timetables to be submitted to the Ontario Race Relations and Policing Review Board by December 1989.  
(Page 81)

9. The Task Force recommends that, by April, 1990, the Solicitor General establish a Central Police Recruiting Unit as part of the Policing Services Division to serve all police forces in Ontario; the functions of this unit to include the following:

- a) To recruit police officers, with special emphasis on visible minority officers, to fill the stated needs of police forces;
- b) To develop or acquire in consultation with police management and the Ontario Race Relations and Policing Review Board, bias-free recruitment, testing and selection instruments and processes.
- c) To develop, maintain and publish relevant data on the composition of Ontario's police forces with special reference to recruitment, selection, hiring and promotion of those candidates from the pool established by the Central Recruiting Unit.
- d) To conduct appropriate research in police recruitment issues.

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10. The Task Force recommends that, by December 1989, the regulations of the Police Act be amended to require all police forces to allow members of the Sikh religion to wear their religious symbols,

including the Turban and the Five K's, while serving in every facet of policing. The following standards might be considered as requirements:

— (i) Unshorn beard be dressed in the traditional fashion.

— (ii) Turban style, colour and fabric to conform to uniform standards.

— (iii) The Kirpan to be no longer than nine inches in its total length.

10. 2) Further the Task Force recommends that the Solicitor General ensure that no person be deprived of police employment by reason of religious dress or other requirements which can be reasonably accommodated.

(Page 84)

11. The Task Force recommends that, by 1990, the Ministry of the Solicitor General develop and make available to the Ontario Provincial Police and municipal policing authorities and police administrations an Organisational Climate and Employee Satisfaction Survey to be administered to visible minority officers and civilian employees in order to assess their adjustment within, treatment by and satisfaction with their respective police forces and to enable appropriate action to be taken; the summary results of such surveys to be reported to the Solicitor General and to the Race Relations and Policing Review Board.

(Page 86)

12. The Task Force recommends that the Solicitor General establish an award of excellence to be given annually, or when warranted, to the force or forces which have performed meritoriously in achieving employment equity goals in employment, promotions and the creation of an hospitable working climate for visible minority officers and civilian employees. Input from police officers should be an essential ingredient in making the selections.

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20. The Task Force recommends that the Solicitor General require all probationary constables to complete a two to three-month internship with a visible minority community organization.

a) Further, the Task Force recommends that the Solicitor General require all officers to complete a further two to three-month internship with a visible minority community organization prior to being considered for promotion.

(Page 106)

21. The Task Force recommends that the Solicitor General, through the Police Act, require that all police officers, including senior command officers, civilian staff, police commissioners and members of committees of council, receive race relations training on a continuing education basis.

(Page 109)

22. The Task Force recommends that the Solicitor General impose an immediate moratorium on all race relations training programs and planned initiatives pending the review and replacement of all existing race relations training programs.

a) Further, the Task Force recommends that the Solicitor General require that, by January, 1990, the instructional materials and training programs used by all police forces and training institutions be reviewed jointly by the Solicitor General, the Municipal Police Authorities, the Ontario Association of Chiefs of Police, the Police Association of Ontario, the Ontario Race Relations and Policing Review Board and civilian consultants for the purposes of developing a basic race relations training program and integrating race relations issues into all aspects of police training.

b) Further, the Task Force recommends that the review of training materials ensure that visible minority civilians and police officers of both sexes be appropriately depicted in all departments and in all ranks, interacting with each other and with white officers and civilians.

- c) Further, the Task Force recommends that all police race relations training manuals be available for review by the public.
- d) Further, the Task Force recommends that, by June 1990, a race relations program be designed jointly by the Solicitor General, the police, representatives of visible minority communities and civilian consultants with expertise in race relations training for use by all police forces, training institutions and police governing authorities.
- e) Further, the Task Force recommends that this program be implemented by all police forces, training institutions and police governing authorities by December 31, 1990, and be monitored and evaluated every year for the first three years and every five years thereafter by the Ontario Race Relations and Policing Review Board.

(Page 113)

23. The Task Force recommends that, by January 1990, the Solicitor General require the Ontario Police College, in consultation with the Ontario Race Relations and Policing Review Board and civilian experts, to design a train-the-trainers program for all Ontario police race relations training officers.

- a) Further, the Task Force recommends that the train-the-trainers program be evaluated by the Ontario Race Relations and Policing Review Board every year for the first three years and every five years thereafter.

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24. The Task Force recommends that the Ontario Race Relations and Policing Review Board be required to undertake a long term study of police race relations training and its effect on the interaction of officers with visible minority communities.

(Page 117)

50. The Task Force recommends that the Solicitor General, in consultation with the Ontario Race Relations and Policing Review Board, the Ministry of the Attorney General, the Ministry of Citizenship, the Municipal Police Authorities, the Ontario Association of Chiefs of Police, the Police Association of Ontario and municipal governments and relevant community organizations, develop a crisis response mechanism for adoption and use by government, police institutions and community organizations.  
(Page 174)

51. The Task Force recommends that media relations units within police forces, with the approval of their police governing authority develop, a policy with respect to the release of information relating to race and crime. Specifically, the race or colour of an accused should never be publicized. The racial characteristics of a particular suspect wanted for criminal acts should only be referred to when it is an investigative requirement.  
(Page 180)

52. The Task Force recommends that officers whose performance indicates that they have difficulty addressing race relations issues be required to attend remedial courses and that their performance following such training be formally monitored.  
(Page 181)

53. The Task Force recommends that police forces create an award for officers who exhibit skill in identifying and addressing race relations issues in the course of their duties. This award should be of equal prestige to, and presented at the same ceremony as, other police awards.  
(Page 182)

#### First Nations People's

54. The Task Force recommends that the Government of Ontario initiate, in conjunction with the Government of Canada and representatives of native peoples, the establishment of a tri-partite task force for the purpose of studying the feasibility and necessary structures and processes of native justice systems in Ontario, and recommending working models thereof as pilot projects, and that this tri-partite task force be created and operational within one year of the filing of this report of the Race Relations and Policing Task Force.  
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## **Appendix D**

### **COMMUNITY PRESENTERS**



COMMUNITY PRESENTERS

ORAL PRESENTATIONS

Hamilton\Peel

Auchinvole, Evie

Lasso, Jorge  
Osborne, Fleurette  
Zarate, Jose  
Committee Against Racial Discrimination (C.A.R.D.)

Rios, Ines  
Immigrant Settlement Services

Bal, Manohar Singh  
Ontario Council of Sikhs

Junnarkar, Savita  
Peel Multicultural Council

Ottawa

Harris, Chris  
Advisory Committee on Visible Minorities  
Council of the Multicultural Centre

Bansfield, Irving  
Thomas, Roselyn  
Redman, Florence  
Harambee Centres Canada

Binavince, Emilio S.  
Minority Advocacy Rights Council (MARC)

Singh, Harbans  
National Association of Canadians of Origins in India

Walters, Ewart L.  
National Council of Jamaicans and Supportive Organizations Inc.

ORAL PRESENTATIONS - continued

Thunder Bay

Makuto, Moffatt S.  
Multicultural Association of Northwestern Ontario

Metropolitan Toronto

Benjamin, Akua  
Black Action Defense Committee

Yu, Patrick  
Chinese Canadian National Council

Dharmalingam, Audi  
Shelton, Anthony  
Urban Alliance on Race Relations

Amour, Monica  
Transcultural Consultant Services

Windsor

Alexander, Pat  
Alexander, Phil

Meikle, Paulette

Walters, Carolie  
Watkins, Abby

Eb, Louis M.A.  
African Community Organization of Windsor

Elliot, Kim  
AfriCanadian Youth Council  
Black Canadian Ethnic Club

ORAL PRESENTATIONS - continued

Zaidi, Urooj A.  
Ministry of Citizenship/OARS

Elliot, Martha  
Windsor Urban Alliance on Race Relations

Clarke, Daphne  
Windsor West Indian Association

WRITTEN SUBMISSIONS

City of Ottawa's  
Advisory Committee on Visible Minorities

Centre for Spanish Speaking Peoples  
Toronto

Chinese Canadian National Council  
Toronto Chapter

Congress of Black Women  
Mississauga and Area Chapter

Gill, Baljinder  
National Association  
of Canadians of Origins in India

Brown, L. Regius  
Ottawa-Carleton Immigrant Services Organization

Elliot, Martha  
Windsor Urban Alliance on Race Relations

Dr. C.H.S. Jayewardene  
University of Ottawa, Department of Criminology

RESPONDENTS TO THE MONITORING CONSULTATION

Lawson, Erica

Phillips, Darryl

Sheppart, Janet

Giles, Marie Monique Jean  
Association des Femmes Noires

James, Oswald  
Black Business and Professional Association

Carthright, Emily  
Centre for Spanish Speaking Peoples

Go, Avvy  
Chinese Canadian National Council  
Metro Toronto Chinese & Southeast Asian Legal Clinic

Mackenzie, Bernadette  
Congress of Black Women

Garraway, Bervin  
Consortium for Youth Empowerment

Amber, Noah  
Ethiopian Association

Jeffers, Ken  
Harriet Tubman Organization

Walters, Ewart  
National Council of Jamaicans

Bal, Manohar Singh  
Ontario Council of Sikhs

RESPONDENTS TO THE MONITORING CONSULTATION - continued

Hawley-Power, Maria  
Thunder Bay Immigrant and Visible Minority Women

Makuto, Moffat  
Thunder Bay Multicultural Association

Nandkani, Harry  
Thunder Bay Multicultural Association

Shelton, Anthony  
Urban Alliance on Race Relations

McCormack, Angela  
The West Indian Network

Golding, Lew  
Youth Link

## **Appendix E**

### **FIRST NATIONS PRESENTERS**



FIRST NATIONS PRESENTERS

FIRST NATIONS DIALOGUE - THUNDER BAY

Achneepineskum, Elizabeth

Anderson, Sue  
Ontario Native Women's Association

Cox, Anne  
Thunder Bay Indian Friendship Centre

Cripps, Kenneth R.  
O.M.A.A.  
Wabigoon Metis Non-Status Indian Association

Kenny, George  
George Kenny & Associates

Kirton, Susanne

McGinnis, H. Sonny  
Grand Council Treaty # 3

Simpson, Doreen

Tompkins, Susie

WRITTEN SUBMISSION

Grand Council Treaty # 3  
Association of Ojibway Chiefs  
Kenora



## **Appendix F**

### **POLICE PRESENTERS**



**POLICE PRESENTERS**

**ORAL PRESENTATIONS**

Metropolitan Toronto Police Services Board

Delegation from the Ottawa  
Police Services Board and the Ottawa Police Force

Ling, Frank,  
Chair, Ottawa Police Services Board

Ford, Brian  
Deputy Chief

Westwick, Vince  
General Counsel

Johnson, Dr. Gail  
Planning & Research

Ontario Association of Chiefs of Police

Chief A. Barber, Brantford  
President

Chief R. Middaugh, Hamilton Wentworth  
1st Vice President

Hobbs, Keith  
Thunder Bay Police Association

**WRITTEN SUBMISSIONS**

Ratz, K. A., Chief of Police  
City of Thunder Bay Police

Pearson, M.J., Chief of Police  
Innisfil Police Service

Mullin, P., Chair  
Peel Regional Police Services Board



**Appendix G**

**QUESTIONNAIRE**

**POLICE RESPONDENTS**



**POLICE SERVICES' RESPONSE**

**TO**

**THE 1989 TASK FORCE ON  
RACE RELATIONS AND POLICING**

**NAME OF POLICE SERVICE:** \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_

**RANK/POSITION:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

For the purposes of this questionnaire, the term RACIAL MINORITY refers to a person, other than an aboriginal person, who, because of race or colour, is in a visible minority in Canada that is non-caucasian in race or non-white in colour.

**INSTRUCTIONS**

**CIRCLE THE APPROPRIATE RESPONSE**

**PART I MONITORING (Task Force Recommendation 3)**

1. Has your Service prepared any action plans in response to the recommendations of the Race Relations and Policing Task Force?

1. YES                    2. NO

If YES, has your Service submitted those plans to the Solicitor General for its consideration?

1. YES                    2. NO

If NO, why has your Service not submitted these plans?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. NOT A POLICE RESPONSIBILITY
5. NO MINISTRY DIRECTION
6. OTHER \_\_\_\_\_

PART II HIRING AND PROMOTION (Task Force Recommendations 6, 7, 8, 10 & 11)

1. Has your Service established an employment equity plan identifying hiring and promotional goals for all staff?

1. YES      2. NO

If YES, continue; if NO, skip to question 2.

a) Has the plan been approved?

1. YES      2. NO

b) Does your plan incorporate any strategies (secondments/internships) for women and/or racial minorities into investigative areas (i.e. homicide, fraud squads, crime bureaus, surveillance bureaus)?

1. YES      2. NO

2. Has your Service developed mechanisms by which lateral or direct entry will be accomplished?

1. YES      2. NO

If YES, briefly explain what these mechanisms are.

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If NO, why have mechanisms not been developed?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. NOT A POLICE RESPONSIBILITY
5. NO MINISTRY DIRECTION
6. OTHER \_\_\_\_\_

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3. Have any lateral entry hires occurred within your Service since 1989?

1. YES      2. NO

If YES, continue; if NO, skip to question 4

a) How many lateral entry hires have occurred?

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b) At what Positions/Ranks have these hires occurred?

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c) In total, how many of these lateral entry hires were:

women \_\_\_\_\_ racial minorities \_\_\_\_\_

4. Has any direct entry hiring occurred within your Service since 1989?

1. YES      2. NO

If YES, continue; if NO, skip to question 5.

a) How many direct entry hires have occurred?

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b) At what Positions/Ranks have these hires occurred?

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c) In total, how many of these hires were:

women \_\_\_\_\_ racial minorities \_\_\_\_\_

5. If you responded NO to Question 3 or Question 4, why have no lateral entry or direct entry hires occurred?

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6. Has a review of all sworn officer positions, at all levels, within your service, been initiated to determine which positions may be staffed by civilians?

1. YES      2. NO

If YES, continue, if NO, skip to question 7.

a) Have any of these positions been converted to civilian positions?

1. YES      2. NO

If NO, why have no positions been converted?

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b) How many positions have been converted to civilian positions?

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7. Has your Service developed and implemented a policy with respect to Religious dress and symbols?

1. YES            2. NO

If YES, how many persons have utilized this policy?

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If NO, why has no policy been developed?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. NOT A POLICE RESPONSIBILITY
5. NO MINISTRY DIRECTION
6. OTHER \_\_\_\_\_

8. Has an organizational climate and employee satisfaction survey been developed to administer to racial minority police officers and civilian employees within your service?

1. YES            2. NO

If YES, continue with 8a and 8b; if NO, skip to question 8c.

a) Has this been distributed and the results tabulated?

1. YES            2. NO

b) Were the results reported to the Solicitor General?

1. YES            2. NO

c) Why has a survey not been developed?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. NOT A POLICE RESPONSIBILITY
5. NO MINISTRY DIRECTION
6. OTHER \_\_\_\_\_

PART III RACE RELATIONS TRAINING (Task Force Recommendations 13, 16, 20, 21)

1. Has your Service developed a procedure to facilitate the enrolment of officers in university level courses?

1. YES            2. NO

If NO, why have you not developed any procedures?

- 1. LACK OF FUNDING
- 2. LACK OF PERSONNEL
- 3. NOT A PRIORITY FOR OUR SERVICE
- 4. NOT A POLICE RESPONSIBILITY
- 5. NO MINISTRY DIRECTION
- 6. OTHER \_\_\_\_\_

2. Has a review of your Coach Officer Program been conducted with respect to the selection criteria used to identify coach officers?

1. YES            2. NO

If NO, why has a review not been conducted?

- 1. LACK OF FUNDING
- 2. LACK OF PERSONNEL
- 3. NOT A PRIORITY FOR OUR SERVICE
- 4. NOT A POLICE RESPONSIBILITY
- 5. NO MINISTRY DIRECTION
- 6. OTHER \_\_\_\_\_

3. What criteria does your Service currently utilize to select coach officers?

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4. Have Coach Officers been provided with sensitivity training on employment equity/race relations issues?

1. YES            2. NO

5. Does your Service require constables to participate in an internship program with a racial minority community organization?

1. YES            2. NO

If YES, what is the duration of this internship program?

If NO, why are constables not required to participate in an internship program?

1. LACK OF FUNDING
2. NOT A PRIORITY FOR OUR SERVICE
3. NOT A POLICE RESPONSIBILITY
4. NO MINISTRY DIRECTION
5. OTHER \_\_\_\_\_

6. Has any race relations training been conducted in your Service since 1989?

1. YES                    2. NO

If YES, continue with 7a, 7b, 7c and 7d; if NO, skip to question 7e.

a) What is the duration of the training?

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b) Which members of your Service have been provided with this training?

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c) In 1989, the Task Force called for a moratorium on race relations training. If your Service continued to train, please provide your rationale for doing so.

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d) How many of the persons conducting race relations training were

POLICE WOMEN                    \_\_\_\_\_  
CIVILIAN WOMEN                    \_\_\_\_\_

POLICE RACIAL MINORITIES                    \_\_\_\_\_  
CIVILIAN RACIAL MINORITIES                    \_\_\_\_\_

e) If NO, why has no race relations training been conducted since 1989?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. NOT A POLICE RESPONSIBILITY
5. NO MINISTRY DIRECTION
6. OTHER \_\_\_\_\_

**PART IV USE OF FORCE** (Task Force Recommendations 27, 28, 31, 33, & 34)

1. Does your Service have a firearms training program for recruits in addition to the training provided by the Ontario Police College?

1. YES      2. NO

If YES, continue with 1a, 1b, and 1c; if NO, skip to 1d.

a) Briefly outline the elements of this program.

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b) How many hours of training are involved?

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c) Is any of this training of a "tactical nature" (i.e. situational - "shoot, don't shoot")?

1. YES      2. NO

d) Why does your Service not have a firearms training program for recruits beyond Ontario Police College?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. OTHER \_\_\_\_\_

2. Does your Service provide firearms training to officers, other than recruits, within your service?

1. YES      2. NO

If YES, continue with this question; if NO, skip to question 3.

a) What is the nature of this training?

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b) How often is this training conducted?

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3. Does your Service have any type of recognition program for firearms proficiency?

1. YES      2. NO

4. Is free ammunition provided to officers who attend at the range to practice on their own time?

1. YES      2. NO

5. Is there a monitoring mechanism within your Service to assess an officer's on-duty performance with respect to use-of-force?

1. YES      2. NO

If NO, why not?

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6. Are police officers required to pass an annual physical fitness test within your service?

1. YES      2. NO

7. What incentives does your service provide for an officer to maintain their physical fitness, other than the Ontario Police Fitness Award (pin)?

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8. Is there a requirement to requalify in the use of the baton and holds within your service?

1. YES      2. NO

If YES, how often?

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If NO, why is there no requirement?

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9. Is there a formal policy whereby supervisors within your Service conduct random spotchecks of ammunition used by officers?

1. YES
2. NO

If YES, continue with 9a and 9b, if NO, go to 9c

a) At what intervals are these spotchecks conducted?

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b) Are the results of these spotchecks recorded anywhere?

1. YES
2. NO

If YES, where are these results recorded?

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10. Since 1989, has any officer within your Service been subject to a Police Service Act code of offence regarding improper ammunition or firearms?

1. YES
2. NO

If YES, how many offences have occurred?

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11. Does your Service require a report be submitted when any level of force has been initiated?

1. YES
2. NO

If YES, please identify at what level of force a report is required.

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To whom are these reports directed?

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PART V - COMMUNITY RELATIONS (Task Force Recommendations 40, 42, 49, 51, 53)

1. Has your Service developed a Race Relations Policy?

1. YES      2. NO

If NO, why has a policy not been developed?

1. LACK OF FUNDING
2. LACK OF PERSONNEL
3. NOT A PRIORITY FOR OUR SERVICE
4. NOT A POLICE RESPONSIBILITY
5. NO MINISTRY DIRECTION
6. OTHER \_\_\_\_\_

2. Does your Service utilize a Community Policing approach?

1. YES      2. NO

If YES, have you developed a written philosophy/mission statement with respect to this approach?

1. YES      2. NO

3. Has your Service developed outreach programs to communicate your service's role and function within the community?

1. YES      2. NO

If YES, continue with 3a; if NO, skip to 3b.

a) Have these programs been implemented?

1. YES      2. NO

If YES, has the target of these presentations been to minority groups?

1. YES      2. NO

4. Has your Service created an achievement medal or mechanism recognizing outstanding performance in community policing?

1. YES      2. NO

If YES, continue; if NO, skip to question 5.

a) Have any persons been recognized under this award?

1. YES      2. NO

5. Has your Service implemented a Race and Ethnic Relations Unit?

1. YES      2. NO

If YES, continue 5a - 5f; If NO, skip to question 5g.

a) How many of these units exist within your service?

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b) In which areas of your Service do these units exist?

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c) What criteria are used to select officers for this unit?

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d) Is any training provided to members of this unit?

1. YES      2. NO

e) Who does this unit report to?

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f) Does experience within this unit have any weight in the promotional process?

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g) Why has your Service not implemented a Race and Ethnic Relations Unit?

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6. Have Community Consultation Committees been established within your Service?

1. YES      2. NO

If YES, continue with this question; if NO, skip to question 7.

a) How often do the committees meet?

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b) Have any guidelines been established to ensure that committee members are representative of the racial minority population within the community?

1. YES      2. NO

7. Has a racial minority advisory committee been established for your Service?

1. YES      2. NO

If YES, continue with this question, if NO, skip to question 8.

a) What selection criteria are utilized to select members for this committee?

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b) How often does this committee meet?

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8. Has your Service developed a policy on the release of information relating to race and crime?

1. YES      2. NO

If YES, briefly explain this policy.

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9. Does your Service have an award or mechanism to acknowledge officers who exhibit skill in identifying and addressing race relations issues in the course of their duties?

1. YES                    2. NO

PART VI

1. Is there an area (branch, division, unit, etc.) which is primarily responsible for homicide investigations within your service?

1. YES                    2. NO

If YES, continue; if NO, skip to question 2.

a) How many permanent sworn officers are actively engaged in these duties?

---

b) How many of these officers are:

Women                    \_\_\_\_\_

Racial Minorities        \_\_\_\_\_

2. Is there an area within your Service which is responsible for the investigation of major criminal offenses?

1. YES                    2. NO

If YES, continue; if NO, go to question 3.

a) How many permanent, sworn officers are actively engaged in these duties?

---

b) How many of these officers are:

Women                    \_\_\_\_\_

Racial Minorities        \_\_\_\_\_

3. Is there an area within your Service which is responsible for drug investigations?

1. YES                    2. NO

If YES, continue, if NO, skip to question 4.

a) How many permanent, sworn officers are activley engaged in these duties?

---

b) How many of these officers are:

Women \_\_\_\_\_

Racial Minorities \_\_\_\_\_

4. Does your Service maintain an Intelligence Section or Branch?

1. YES            2. NO

If YES, continue with this question; if NO, go to question 5.

a) How many permanent, sworn officers are engaged in these duties?

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b) How many of these officers are:

Women \_\_\_\_\_

Racial Minorities \_\_\_\_\_

5. How many detectives (detective constables, sergeants, inspectors, etc.) are within your service?

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a) How many of these detectives are:

Women \_\_\_\_\_

Racial Minorities \_\_\_\_\_

**THANK YOU FOR COMPLETING THIS QUESTIONNAIRE.**

RESPONDENTS TO THE QUESTIONNAIRE

Chief John B. McInnis  
Atikokan Twp. Police

Chief Ruby Gheysen  
Aylmer Police Force

Chief Ray J. McFadden  
Brockville Police Services

Chief Daniel K. McDougall  
Cobourg Police Services

Chief Harold D. McCall  
Deep River Police Service

Chief Nick A. Kuipers  
Dresden Police Service

Chief Robert G. Imrie  
Dryden Police Service

Chief Trevor McCaherty  
Durham Regional Police Service

Chief Edward Primeau  
Essex Police Service

Chief Claude Brett  
Gananoque Police Service

Chief Russell N. Phillips  
Goderich Police Service

Chief Richard J. Stewart  
Guelph Police Service

Chief W. I. James Harding  
Halton Regional Police Service

RESPONDENTS TO THE QUESTIONNAIRE - continued

Chief Robert F. Major  
Hanover Police Services

Chief Michel L. Denis  
Hawkesbury Police Service

Chief Robert V. Piche  
Kemptville Police Service

Chief Gerald C. Mann  
Kincardine Police Service

Chief Nick Kuipers  
Kingsville Police Service

Chief James Lepine  
LaSalle Police Service

Chief D. G. Ashbourne  
Listowel Police Service

Chief Dean F. Gow  
Mersea Township Police Service

Chief W. J. McCormack  
Metropolitan Toronto Police Force

Chief Robert Russel Knight  
Norwich Police Service, The Township of

Commissioner T. B. O'Grady  
Ontario Provincial Police Force

Chief Paul F. Gairgrieve  
Orillia Police Service

Chief Thomas G. Flanagan  
Ottawa Police Force

Chief Robert F. Lunney  
Peel Regional Police Service

RESPONDENTS TO THE QUESTIONNAIRE - continued

Chief Kidder  
Pembroke Police Force

Chief Robert J. Brooker  
Petrolia Police Service

Chief Hal Claus  
Seaforth Police Service

Chief Franklyn A. Wallwork  
Stirling Police Service

Chief Robert James Smith  
Strathroy Police Service

Acting Chief C. Watts  
Thornbury Police Service

Chief Claude A. Lacoursiere  
Tilbury Police Service

Chief Dennis J. Harris  
Timmins Police Force

Chief Larry D. Hardy  
Town of Smiths Falls Police Service

Chief A. Paul Metcalfe  
Town of Durham Police Service

Chief Burrell E. Gailing  
Walkerton Police Service

Chief Robert F. Wittig  
Wingham Police Service



**Appendix H**

**GOVERNMENT OFFICIALS**

**CONSULTED BY THE TASK FORCE**



GOVERNMENT OFFICIALS  
CONSULTED BY THE TASK FORCE

MINISTRY OF THE SOLICITOR GENERAL

Deputy Solicitor General

Senior Management Committee

Director

Special Investigations Unit

Ministry of the Solicitor General

(September 29, 1992 - Announced that the Unit is to be transferred to the Ministry of the Attorney General)

Assistant Deputy Minister  
Policing Services Division

Assistant Deputy Minister

Corporate Policy and Issues Management Division

(former Director, Race Relations and Policing Unit)

Chairperson

Strategic Planning Committee on Police Training and Education

Director

Race Relations and Policing Unit

(former Manager, Police/Community Relations Section,  
Race Relations and Policing Unit)

Manager

Employment Equity Section

Race Relations and Policing Unit

Former Manager

Training Section

Race Relations and Policing Unit

Former Manager

Police/Community Relations Section

Race Relations and Policing Unit

MINISTRY OF THE SOLICITOR GENERAL - continued

Police Training Consultant  
Training Section  
Race Relations and Policing Unit  
(Seconded from the Ontario Provincial Police)

Director  
Standards and New Programs Branch  
Policing Services Division

Manager  
Employment Equity and Outreach Recruitment Section  
Standards and New Programs Branch  
Policing Services Division

Director  
Ontario Police College  
Policing Services Division

Deputy Director  
Program Development and Evaluation  
Ontario Police College  
Policing Services Division

Instructional Staff  
Ontario Police College  
Policing Services Division

Community Policing Coordinator  
Police Support Programs Branch  
Policing Services Division

Manager  
Corporate Planning and Public Safety  
Policy Development and Coordination Branch  
Corporate Policy and Issues Management Division

OTHER

Deputy Minister  
Ministry of Citizenship  
(former Deputy Solicitor General)

Director of Criminal Prosecutions  
Criminal Law Division  
Ministry of the Attorney General

Staff to the Stephen Lewis Report

Metropolitan Auditor  
The Municipality of Metropolitan Toronto

Audit Manager and Coordinator, Race Relations Review  
Metropolitan Audit Department  
The Municipality of Metropolitan Toronto



**Appendix I**

**CONSULTANTS**

**TO THE**

**MINISTRY OF THE SOLICITOR GENERAL**



CONSULTANTS TO THE  
MINISTRY OF THE SOLICITOR GENERAL  
WITH WHOM THE TASK FORCE MET

EEO Associates

Equal Opportunity Consultants





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